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REYNOLDS HISTORICAL
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A

CATALOGUE

OF

ORIGINAL DOCUMENTS

IN

THE ENGLISH ARCHIVES,

RELATING TO THE EARLY HISTORY

OF THE

STATE OF MAINE.

"But I doubt not * * * it will prove a very flourishing place, and be replenished with many faire towns and cities, it being a Province both *fruitful and pleasant.*

F. GORGES,
DESCRIPTION OF THE PROVINCE OF MAINE.

NEW-YORK:
PRIVATELY PRINTED
1858.

1770089

Ten
L. Dill, Sons &
Co. C.

W. Stanton

two documents under
ets have been inserted
Robertson
Asst.

J.

J. Wingate Thornton, Esq.

with the regards of

the Compiler, Geo. Folsom,

Newyork, 5 Nov. 1859.

EARLY HISTORY OF MAINE.

George Folsom, late U. S. *Charge d'* ...es to the Netherlands, has recently ...d, at his own expense, "A Catalogue ...iginal Documents in the English Ar... , relating to the early history of the ... of Maine." This work must be of ...assistance in researches into the early ...y of our State, as it shows what can ...und in the archives of the State Paper ... and the British Museum, of the desired ...cter, and leaves no room to expect any... more. The compiler expresses his ...pointment at the paucity of the earlier ...ments, especially in relation to the move... of the brave old Knight, Sir Ferdi... Gorges, the founder of the Colonial ...ment of Maine.

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DOCUMENTARY

HISTORY OF MAINE.

Proceedings of the Legislature of Maine, for procuring Copies of Original Papers, in the British State Paper Office, not heretofore published, in regard to the Early History of Maine.

MEMORIAL.

To the Hon. the Senate and House of Representatives of Maine in Legislature assembled:

At the annual meeting of the Maine Historical Society, held at the Society's Rooms, Brunswick, August 8th, 1861, the following resolutions were adopted:

"*Resolved*, That the thanks of the Society are due and are hereby tendered to Hon. George Folsom of New York, for his valuable contribution to the history of his native State, by the publishing of 'a Catalogue of original documents in the English Archives, relating to the early history of the State of Maine.'

"*Resolved*, That the publication in full of the various papers and documents in the English Archives relating to Maine, (including the charter and records of the Virginia Company, under the original charter of April 10, 1606, if the same can be obtained,) is essential to a true and full knowledge of the history of our State; that a committee of three be appointed to inquire into these matters, with authority to invite the cooperation of Hon. F. H. Morse, U. S. Consul at London, a citizen of this State, and of such other parties as they may deem expedient to accomplish this result."

"*Voted*, That John A. Poor, Edward Ballard, and Leonard Woods, constitute said Committee."

In the discharge of the somewhat difficult task committed to them, the undersigned, Committee appointed as aforesaid, have regarded it as their first and most agreeable duty, to lay the matter fully before your honorable body, with such suggestions and explanations as naturally arises on the first presentation of the subject to their view.

While it is made the duty of the Historical Society of Maine, by its charter, to collect and publish such facts, documents and papers, as relate to the early history of the State—and no person is allowed by its by-laws to continue a member, unless he attends its meetings or contributes to its collections in some manner by books, papers or curiosities, within every two years—yet no member is allowed compensation, except for actual expenditures of money, on duty specially rendered, so that, for the contributions and collections that make up the six volumes of its Transactions already published, the Society is indebted to the liberality and public spirit of individuals. Labor, and the rich results of historical research, that would have yielded ample pecuniary returns, if directed to other pursuits, have been freely contributed to the Society, adding largely to the stock of historic knowledge, by many of the able minds of our State. But to collect all the materials necessary to a full and perfect history of Maine, requires an outlay quite beyond the present ability of this Society, or the individual means af its members.

The territory now included within the limits of the State of Maine is the richest in materials for history, of any State in the Union, or any section of the continent. Visited by all the early navigators, from the time of Sebastian Cabot's first voyage in 1497, to the period of the first permanent settlement of North America by the Europeans, claimed

143990

successively by the Spaniards, the French, the Dutch and the English, and thus delineated respectively on the maps of the country, it finally became the chief cause of strife between the great European powers, France and England. Both claimed exclusive title, and granted the entire territory to their respective subjects; and for nearly one hundred years after its occupation, the French and English held devided and conflicting possession. Hence, the materials of its history must be sought in the public archives of Holland, France and England — the claim of Spain having yielded to that of the other powers, before any actual occupation on their part, of its territory.

Other States of the Union, whose materials for history lie in the same direction, have spent large sums to bring to light and preserve the authentic records of the early colonization and settlement of their country; and the student of our history finds it necessary to resort to the documentary history of New York, and the collections made by the State of Massachusetts, to get any thing like a satisfactory knowledge of the history of Maine. The histories of New York, of Massachusetts, and of Maine, run into each other; but neither New York nor Massachusetts has collected what relates exclusively to our State. The *Relations of the Jesuits*, recently published in three large 8 vo. volumes, under the patronage of the Parliament of Canada, from the manuscripts generously furnished by the present Emperor of France, have added largely to our knowledge of the early history of Maine, but they fail to give us from the French State Paper Office, the materials for its political and military history while under the rule of France—from its first occupation by De Monts, in 1604, to the peace of Ryswick, in 1697.

The disinterested and most generous labors of the Hon. Mr. Folsom, in procuring and publishing a catalouge of original documents in the English archives in relation to Maine, has stimulated a strong desire to obtain full copies of them for the State Library and other public institutions, where they may be made generally accessible to the student of our history. But the expense of transcribing them, from the antiquity of the style in which they are written, and the incidental cost attendant on such labor, renders it more difficult than at first supposed.

These papers will enable us to learn, for the first time, the true history of those claims set up by the Massachusetts Company to the soil and to the jurisdiction over the territory of Maine, and vindicate as we believe, the reputation of those renowned men, Gorges and Popham, who uniting with the Earl of Southampton, the illustrious friend of Shakspeare, in a petition to the sovereign, obtained the great charter of 1606 from King James, and laid the foundation of England's Empire, and the final triumph of the English race in the new world.

It would be a source of satisfaction if it was within the scope of our instructions, to ask the Legislature to take measures to procure from the French Archives also, documents relating to our early history, knowing, as we now do, that the unpublished papers at this time accessible, would enable us to lay before the public, the sagacious efforts of Louis XIV, during the administrations of Mazarin and Colbert, to affix the whole continent of North America, forever, as an appendage to the crown of France.

But the Committee have not thought it becoming in them to more than invite the attention of the Legislature to this subject, in the belief that the growing independence of the State, and the vast political, military and commercial importance of Maine to the Union, are fully realized by the members of your honorable body.

Historical knowledge has ever been regarded among civilized nations as the most valuable of intellectual attainments, as it connects the experience of the present generation with that of all former times, and sheds light upon the pathway of individuals and of nations. That innate fondness of all men to know something of what has taken place, before they were called to share the responsibilities of civil society, and to ascertain the nature and extent of civil obligation as understood among men, is the principal feature that distinguishes civilized, from savage life, and raises individuals and nations in the scale of humanity. No people have more abundant cause of pride in their history or their institutions, than those of Maine; for *here*, earlier than on any other portion of the continent, the refined intellects of the old world found civil and religions liberty, and toleration of opinion; and our citizens have ever maintained a hereditary respect for law and order, and for the rights of persons and property.

Maine has *four* distinctly marked periods in its history. The *first* commencing with the earliest discovery and occupation of the Continent—continuing through the period of its Provincial Government, till it was seized upon by the Colony of Massachusetts Bay, in 1652. The *second* embraces the period from the conquest in 1652, till the abrogation of the Massachusetts Charter under William and Mary. The *third* commences with the arrival of Sir William Phipps as Governor, a native of Maine, with the Royal Charter of William and Mary in 1691, uniting the Colonies of Plymouth and Massachusetts, and the Provinces of Maine and of Sagadahoc under one Provincial Government, and continuing through the Revolutionary period, down to the final separation of Maine from Massachusetts proper, in 1820. The *fourth* embraces the Annals of the State, from the organization of its government in 1820, to the present time.

The information sought in the papers in question, relates to the first two of these

periods, but little known in the popular history of the country, but full of evidence of that strong sense of right, and that familiarity with the common law of England, that has made our early judicial proceedings so remarkable for accuracy of pleading and precision of record. That such a people should have yielded to superior numbers, is only to be explained, by the evidence afforded of the neglect of the Home government, in the troublous times of the Stuarts and the Commonwealth.

Believing therefore that the cause of historic truth, as well as a becoming State pride, demand the early publication of the Papers in question, the undersigned in behalf of the interests they represent, respectfully but most earnestly request the Legislature to make such an appropriation as they in their wisdom shall decide adequate, to accomplish the important ends in view.

And as in duty bound, in behalf of the Maine Historical Society, your petitioners will ever pray.

JOHN A. POOR. *for the Committee.*

JANUARY, 1862.

This Memorial was referred to the Committee on Education who made their report as follows:

STATE OF MAINE.

Report of Committee on Education.

The Joint Standing Committee on Education, to which was referred the Memorial and Petition of John A. Poor, Edward Ballard, and Leonard Woods, a Committee of the Maine Historical Society, setting forth the character and importance in a historical point of view of certain papers and documents in the English archives, relating to the early history of Maine, and asking for their publication at the expense of the State, have had the same under consideration, and report that the statements made in the memorial are justly entitled to the attention of the Legislature. That the papers, the publication of which is sought for, must contain matter of the highest historical value to the State, and therefore, that as soon as practicable, measures should be taken and means provided "to obtain full copies of them for the State Library and other public institutions, where they may be made generally accessible to the student of our history."

The sum required to procure the transcribing and publishing of the matter contained in these papers, though not very large, quite exceeds any means at the disposal of the Historical Society, and at the present time would probably be regarded as a burden which the State ought not to be called upon to assume. Deterred by this consideration from recommending an appropriation as prayed for in the petition, the Committee, nevertheless, in the hope of bringing the subject more prominently to the attention of the Legislature, advise that the memorial and petition be printed, and as to further action at this time, that the whole matter be referred to the next Legislature.

All of which is respectfully submitted.

N. WOODS, *per order.*

The Legislature adopted the recommendation of the Committee. At the present session of the Legislature, 1863, this Memorial was referred, as a matter of course, to the Committee on Education, who after a full hearing reported thereon as follows:

STATE OF MAINE.

The Committee on Education to which was referred the Memorial of the Maine Historical Society, asking that measures be adopted to procure from the British Archives copies of such original papers therein, as relate to the early history of the State of Maine, that have not been heretofore published, have given to the matter the most careful consideration, consistent with their other duties, and ask leave to

REPORT.

That the reasons which influenced the action of the Historical Society, so fully set forth in their memorial printed by order the Legislature of 1862, and referred to the present Legislature for action thereon; have since lost nothing of their force; but on the contrary, have received confirmation and support, by events that have transpired within the past two years, in the department of historic labor and research. So great has been the interest awakened in the study of American history, by the labors of our own countrymen, and the growing importance of the United States in the community of nations, that a work of great historic value has been undertaken in England under the patronage of the government—the publication of "*A Calendar of State Papers*" under three great heads, "Domestic," "Foreign" and "Colonial." The earliest volumes of each series have been received in this country, since the Memorial of the Maine Historical Society has been before the Legislature. By a careful examination of the volumes of this Calendar, we are able to see at once what documents and papers are of value in furtherance of the objects sought by the student of our early history; for the Calendar is so full and complete, as to serve as a correct guide to the inquirer—though serving only the purpose of an index of subjects. The labors of exploration amid the vast mass of State papers in the public Archives of Great Britain, have heretofore constituted the chief cost of their collection, by previous explorers—of which there have been many—some employed by State governments; and others incited by individual enterprise. The State of New York, with a zeal and public spirit that deserves all praise, more than twenty years ago entered upon the arduous task of collecting from all the European Archives, papers illustrating

the early history of their State, and the twelve volumes already published, by the State, of her Documentary History, the index of which has just been received in our State Library, is the proudest monument she could rear to the founders of that State. These volumes were designed to contain exact copies—or translated from foreign languages when in another tongue—of all the original papers, in the archives of Holland, France and England, relating to the State of New York. The present State of New York was a Dutch Colony prior to its conquest by England in 1664. This collection does not include very many papers in the British State Paper Office, in regard to Maine. Nor does its list of French State Papers, contain the most interesting of those relating to the early history of our State.

The territory now included within the limits of the State of Maine, from its favorable geographical position, was originally claimed by the Spaniards, afterwards by the Dutch, the French, and the English, till the title was finally obtained by the occupation of the latter. And it is now proved, by an examination of the Calender of Colonial State Papers, in addition to the Folsom Catalogue that the motives and influences by which it was achieved, can only be fully understood by a careful and critical examination of the various original papers thus recently brought to light—some of which escaped observation in the careful research made for Hon. George Folsom's Catalogue: and the explorations of Mr. Bancroft, Mr. Palfrey, Mr. Brodhead and others.

That most interesting period in the history of American Colonization, prior to the grant of the New England Charter of November 3d, 1620 is yet to be explored; and the Committee cannot but feel, that it is due to our self-respect and pride, as a State, that we should place such documents in the State Library, for the use of the student of our history, as shall enable him to prepare a proper history of Maine. The labors of Sullivan and Williamson have been of very great value in collecting materials for history: and the labors of the Maine State Historical Society are worthy of commendation, from the great value of its published collections. These contributions have been made without pecuniary compensation, and only from motives of State pride, in a desire to preserve the records of her history.

The Committee therefore in view of the whole matter, without more extended observations as to the uses and value of historic knowledge, or its particular advantages to us and to our State, in which all intelligent minds agree, have felt it their duty to report the accompanying resolve.

O. N. BRADBURY, *per order.*

This Report met the favor of the Legislature, and the following resolve became a law.

STATE OF MAINE.

Resolve for procuring copies of original documents in the British State Paper Office not heretofore published, in regard to the early History of Maine.

Resolved, That the Governor be hereby authorized to procure copies of original documents in the British State Paper Office, in regard to the early history of Maine, the same to be deposited in the State Library, and the sum of four hundred dollars is hereby appropriated for this purpose out of any money not otherwise appropriated—the Governor to appoint it need be, at his discretion, an agent for the purpose of accomplishing the objects of this resolve—provided that the entire expenditure shall not exceed the amount of the above appropriation.

Approved March 17, 1863.

Of the value of the information, likely to be brought to light, by the disclosures of the Calender of Colonial papers, it is not possible at present to determine. But many things have been learned, from the copies obtained within the past year, affecting the history of Maine. For example, the "*Province of Maine*" was granted to Sir Ferdinando Gorges and John Mason in 1622. Probably the first use of that name on record. Yet we find in Mr. Willis' new book on Laws and Lawyers in Maine, that he has followed the popular belief and gives the statement that the name of "*Maine*" or the "Province of Maine' was unknown till the charter of 1639.

So too of the Leyden flock. Their "*seven articles sent the King in Council in* 1618," show their entire assent to the doctrines and the authority of the established church, completely refuting the popular notion, that they came over on account of persecution or on account of difference of faith. These articles signed by Robinson and Brewster, are as complete a recognition of their faith in, and devotion to the Church, as could be given.

* Not so. All history affirms that it was not "on account of difference of faith"

PREFACE.

In 1856, before quitting Europe, after an absence from home of more than six years, I gave a commission to Mr. H. G. Somerby to look up and make a list of the papers in the English archives relating to the old Province of Maine. The following pages contain the results of his labors in executing this commission; and altho' disappointed in some measure by the paucity of the earlier documents, especially in relation to the movements of the brave old knight, Sir Ferdinando Gorges, the founder of the colonial settlement of MAINE, I find no reason to regret having had the examination of the records made by so competent a person as Mr. Somerby. The list shows what can be found in the archives of the State Paper Office and the British Museum, of the desired character, and leaves no room to expect anything more.

A few of the papers indicated have already found their way into print, and others may exist in some of our public records; but, with these exceptions, the mass of documents will be seen by the historical student to be a valuable accession to what was to be found in this country, either in print or manuscript, on the subject of the various enterprises for the colonisation of the northern coast of the United States.

Having met with the "Defence of Sir Ferdinando Gorges against the charge of having betrayed the Earl of Essex," written by himself, among the MSS. of the British Museum, I procured a copy of it, but afterwards discovered it had been recently printed by the Royal Society of Antiquaries; it is, however, inserted at the end of these papers, together with the interesting letter of Mr. Bruce, F. S. A. to Mr. Payne Collier, Vice-President of that Society, on the subject of Sir Ferdinando's Defence.

The principal repositories of original papers relating to the New England Colonies, in print, are Gov. Hutchinson's Collection and Hazard's State Papers. With these the present catalogue has been compared, and little found in common. I have not, however, deemed it necessary to suppress the mention of any document in the catalogue because it existed in other collections, preferring to leave it to the historical student to make his own examinations and comparisons in this respect, by printing the list and abstracts complete as they were received.

Mr. Willis, the esteemed President of the Maine Historical Society, encouraged me to expect that the Society would be at the expence of printing this catalogue, should I offer it for that purpose; but having been governed in this matter by the interest I felt in the history of my native State, I concluded to waive such proffer, and to finish, as I had begun, in my own way.

GEO. FOLSOM

New York, March 22d, 1858.

DOCUMENTS

IN THE ENGLISH ARCHIVES

RELATING TO THE EARLY HISTORY

OF

MAINE.

Note.—In some instances full copies are here given, but generally only the titles of the documents, with a brief description of their contents.

STATE PAPER OFFICE:

Collection, America & West Indies (New England).

File marked 459.

1606 Mar. 13. Plymouth. Letter of Sir FERDINANDO GORGES to Mr. CHALINGE.

Mr. Chalinge—I received your lrê sent me by the Mr. Nicholas Hines by whom I rest satisfied for your pte of the proceedinge of the voyadge and I doubte not but you wilbe able to annswere the expectacon of all your freindes I hoope you shall receive verie shortlie if alreadie you have not an attestation out of the highe Courte of Admiraltie to give satisfaccon of the truthe of our intent y^t^ sett you out let me advise you to take heede that you be not ov'shott in acceptinge recompence for our wronges received for you knowe that the jorney hath bene noe smale chardge to us y^t^ first sent to the Coast and had for our returne but the five salvadges whereof two of the principall you had with you and since within in two monthes after your depture we sent out another shippe to come to your supplie and now againe we have made a nue preparacon of divers others all w^ch^ throughe your misfortune is likelie to be frustrate and our time and chardge lost therefore your demands must be annswerable hereunto and accordinglie seeke for satisfaccon which cannot bé lesse then five thousande poundes and therefore before you conclude for lesse attende to receive for resolucon from hence if they annswere you not thereafter for if their condicons be not such as

shalbe reasonable we doe know howe to right our selves for rather then we wilbe loosers a penny by them we will attende a fitter time to gott us our content and in the meane time leave all in their handes therefore be you carefull herein and remember y^t^ it is not the buisines of merchants or rovers but as you knowe of men of another ranke and such as will not p^re^ferre manie complayntes nor exhibite divers petitions for that they understande a shorter way to the woode, soe comendinge you to God and continuinge my selfe

your most assured and lovinge freinde
Ferdinando Gorges.

Plimoth 13th of Marche 1606.

Postcript.

I pray you use the meanes that the salvadges and the companie be sent over with as muche speede as is possible and yt you hasten your selfe away if you see not likelihoode of a present ende to be had for we will not be tired with their delaies and endlesse sutes suche as commonlie they use but leave all to time and God the just revenger of wronges.

Ferdinando Gorges.

1606

[*Endorsed*] The Coopie of Sr. Ferdinando Gorges his lrê to Mr. Chalens.

Received ye 6 day.

1614—1618.

Description of New England. Recital of voyages made thither with dates commencing 3. Mar. 1614. Prefixed is an address to the Lord Chancellor Sir Francis Bacon, signed with the autograph Jo. Smith. (40 f.)

1622 Dec. 30.

Grant by the Council of Affairs in New England to Robert, son of Sir Ferdinando Gorges, (in consideration of the services of his father and the payment of 160£,) of a tract of land in New England called "Messachustack," lying on the N. E. side of the Bay called "Messachuses," together with all the shores or coasts along the sea for ten English miles in a straight line towards the N. E. and thirty English miles into the main land with all islets or islands lying within three miles of any part of the said land (excepting such land as have been granted formerly). —By the tenure he is to find four able armed men to attend the governor when required. (17 f.)

1628 Mar. 4.

Memorandum of a grant to SAMUEL ALDERSEY, THOMAS ADAMS, and others, of a part of New England. (1 f.)

1628 Mar. 4.

Patent for establishing a Governor and Company of the Massachusetts Bay in New England —Abstract of the same.

(1629?)

Petition to the Privy Council of SAM. ALDERSEY, MATTHEW CRADOCK NATHANIEL WRIGHT, JO HUMFREY and others on behalf of the Governor and Comp^{y} of the Massachusetts Bay in N. England.

(1629?)

Narrative of particulars touching New England—Being a summary of events from A. D. 1604 to 1629. (13 f.)

1629.

Petition of the planters of New England to the King praying that the restraint laid upon ships intended for the plantations in New England may be taken off. Attached are two other papers relating to the liberties granted to the planters of N. England by letters patent 4 March A^{o} 4, Car. I. (15 f.)

(1630?)

Petition of EDMOND BRUDENELL Esq. to the Privy Council—Being about to make a voyage to New England, solicits permission to ship three or four pieces of ordnance, also 200£ in money, &c.—

1623 (1632?) Dec. 8.

Tenor of three letters directed to the Lords lieutenant &c. of the Counties of Cornwall, Somerset, city of Bristol, Devon, & city of Exeter, for assisting the plantations in New England.

1632 Apr. 2.

Letter signed "JOHN MASON" to (Sir JOHN COKE?)—Relation of the coming of some Hollanders upon the coast of N. England about A. D. 1621, who on their return from their voyage published a map of the sea coasts, giving Dutch names to divers places near the Mana-hata river and elsewhere, places already discovered and traded to by the English. At the time of this intrusion, Sir Samuel Argall with others were preparing to settle upon the Manahata river aforesaid which caused a demur, and King James through the Ambassador questioned the States of the Low Countries upon complaint of Lord Arundel, Sir Ferd. Gorges, Sir Sam^{l} Argall and Capt John Mason. The ambassador disclaimed

any authority; nevertheless in the following year the Dutch returned and contumaciously persisted to plant and trade at the said River.*

(10 f.)

1632 Apr. 6 Bristol.

Letter from Sir FERD. GORGES to Capt. JOHN MASON at Deptford.

Sr.

On Thursday night I receaved yours of the 30th. of March by wch. I understand howe you have p°ceeded against those of the Dutch plantacon, I am glade the busines is before the Lords, I hope they will not bee overhasty in concluding a busines of that nature considering howe much it concernes both the honor of the Kinge and state to make good the interest they have therein you shalbee assured I will not p'tracte any time of my cominge upp but I must acquaint you wth an unhappy accident that befell mee the same day I receaved yors For having bine wth my lorde Pawlett and divers others of my private freinds att a horse-race I tooke a fall from my horse and am now in soe much extremetie of paine as I am not able to move or stirr but as I am helped by maine strength of my servantes not wth standing by God's favour I hope to bee wth you in very shorte time what shifte soever I make to travell. I am sory to heere you are soe poorely seconded in a matter soe just and honble I conceive you may have from W Shirly a coppy of that wch came to my hands from those of New Plymouth wth more p'ticulers then came to mee, itt may please you that hee may bee spoken wth about it, I doubt not but att my cominge I shalbee able to give both his Maty and the Lords sufficient satisfaccon for to fortefie the justefyinge (not the stay of the shipp onely) but to prosecute their displanting from thence, and that wch is now to bee desired is that wee may bee heard to speake before ought bee done for the shipps dispatch I hope you will make some shifte to send away the horses I sent you before the receipt of Mr. Eyres to the contrary, for I knowe they wilbee of more service and worth then any you will serve your selves wth all att the islands besides here is noe shipping that goes from hence till towards the winter quarter but what you doe betweene you shall please mee thoughe I desire extreamly they may goe att this present thoughe it were wholly on my owne accompte for their transportacon wth the horses. Lett this suffice I pray you for this present for that my paine will suffer mee to say noe more att this time save onely I beseech you to remember my humble service to my Lord Marshall and to lett his honor knowe the misfortune

* A copy of this letter is printed in Brodhead's New York Colonial Documents, Vol. III. pp. 16—17. The following letter, from Sir F. Gorges, is also found in the same volume, pp. 17—18.

that retayned mee from attending his Lopp soe soone as my harte desires, and soe much you may bee pleased to lett my Lord of Warwick knowe in like manner wth the remembrance of my service to his Lopp beseeching him not to bee slacke wherein you knowe his helpe may further the best wee shall gaine thereby wilbee the knowledge of what may be expected from him hereafter and soe I comitt youu to God and rest

Yor assured loveing friend

FERD. GORGES.

1632 Nov. 19.

Letter of Capt. THOMAS WIGGIN addressed to Sir JOHN COOKE, Secretary of State, beeing observations upon New England and especially the plantation of Massachusetts—speaks of the commodities and the number of the inhabitants, and describes very minutely the governor. Mentions the ill affected persons who have spread abroad reports prejudicial to the plantation. Sir Christopher Gardiner, a man notorious for his immoralities, Moreton a suspected murderer, and one Ratcliffe who had lost his ears for blasphemy. These three with other discontented persons are returned and to cover their own shame endeavour to cast imputations upon the plantation, addressing themselves to Sir Ferdinando Gorges, who led away by their falsehoods is now projecting to deprive the plantation of the privileges granted by the King and to subvert the government, which the writer fears will terminate in their utter ruin and drive the planters elsewhere.

Printed in Mass. Hist. Coll. 4th series, 6, 1863.

(11 f.)

1634 May 12.

A paper signed FERD. GORGES, being observations upon the utility of dividing New England into several provinces, to assign a governor, &c. &c. to each. That some person of distinction be elected under the title of Lord Governor or Lord lieutenant to represent his Majesty. That there be other officers appointed to assist him, such as one lord bishop, a chancellor, a treasurer, a marshal, an admiral, a master of the ordinance, and a secretary of state, with such other officers or councillors as may be deemed necessary.—These to be empowered to erect courts of justice, appoint subordinate officers and arrange other matters. If the expenses of settling this kind of government be thought too great a charge for his Majesty, doubtless there are some who would if honored with the king's commands undertake it upon favourable conditions. Care to be taken to avoid persons holding papistical or heretical opinions, &c. &c. Consideration of this subject to be referred to his Majesty's pleasure.

(12 f.)

1634 June 6.

Letter of Sir FERD. GORGES addressed to Sir FRANCIS WINDEBANK, Secretary of State, &c.

Right hon.

I hope I have allready sufficiently inlarged myselfe how necessary I conceive it is some speedy course were taken for the setlinge of the affaires of New-England both for his Majesties honour and the publicke good of the subjects that doe languish for want thereof nor can I doubt but that your honour hath before this as carefully and as nobley acquainted his Majestie and their Lpps therewith. soe soone as I may heare how it is accepted of and the resolution grounded there uppon, I will not faile (for my particular) to adde my best endeavour to satisfie any doubt that may arise in the consideration thereof if I shalbe called there unto in the meane tyme I will take upon me the humble bouldnesse to acquaint your honour that haveing had conferance with my Lord of Linsey and my Lord Gorges and some others about the state of those businesses (being both of them formerly of the councell of those affaires) and delivering to them my opinion how it might be made honr to his Majesty and profittable to his realmes if persons of worth might be found willing to engadge themselves as actors in the managing thereof, neither of them but seemed soe well to relish it, as they protested to me (in private) that if his Majestie were pleased to accepte of theire service and to call them thereunto they would willinglie undertake it uppon such terms as might be agreeable to the state of such a desighn, for my selfe (Sir) I hope I have allready sayd enought to manifest my zeale there unto and I beseech you to beleeve this much of me, whom (you may partly remember) had the honour to be breed under those great princes that well understood the state of theire neybours and how to lay the ground to advance theire ends longe before hand the better to secure theire owne and to be able to affront their enimies far from home, if I have attained ought either from their principles my owne experience or practise or from any other the most activest and of best judgment and experiance that way with whom I have beene formerly acquainted in those tymes of action it was but to put the same in execution if occasion served or to leave the knowledge thereof where it was dew and for whose sakes I allwayes laboured in that kind. I could say more of the fittnesse of this businesse in that behalfe but I leave it for a fayrer opportunity knowing that tyme will produce what is not as yet commonly thought uppon and I will forbeare to be further troublesome to your honr then becomes

Your honours humble servant
FERD. GORGES.

From my hous in Ashton this
6 of Jun. 1634 nyer Bristow.—

1634. Nov. 3.

A paper (endorsed Sir Ferdinando Gorges) from the King to upon the subject of the colonies in America. Since the undertaking of the plantations complaints of various abuses have been received, to remedy which advice has been taken with the council of state and directions given for a Governor to be sent over to take charge of public affairs, &c. &c. Being a business for the public good it is to be published throughout the realm that it is free for all well affected persons, so as to encourage the sending over with the governor a competent number of persons for plantation with one or more to superintend their employments, &c. &c. Honest and industrious people to be sent, so that the plantations may be strengthened; land to be assigned them, the same to be enlarged if thought fitting—to be appropriated to the adventurers in perpetuity. An answer is required with an account of the names of such as will interest themselves therein and what number of persons they resolve to send, to be in readines when the Council may appoint.

(12 f.)

1634. Nov.

A paper endorsed Sir Ferd. Gorges and entitled "Considerations necessarie to be resolved uppon in settling the Governor for New England." As a number of discontented persons are got into the best parts of the country who are gradually drawing thither their supporters, whether it would not be policy to lay a restraint upon this until license be obtained, that those who go over be bound to be conformable to the rites and ceremonies of the Church.—As authority is of none effect where power is wanting, whether it would not be proper to second such authority with competent power to prevent insolencies to officers, &c. &c. That as timely remedy for evils is of consequence, the better sort of the nation be called upon to second their prevention—that his Majesty may be pleased by letters to the lieutenants, and others of the several counties, to send over with the governor a competent number of persons adapted for planting, &c., &c. This paper also touches at length upon the subject of the Dutch coming into the River of Connecticut, and concludes with the following: "What fruite is to be expected from such as they are who dare to say that if a drunken governor be sent over there, if they take him drunke they will put him in the stockes and send him backe againe; whether it be not more than tyme these people should be looked unto is humbly referred to better consideration."

(12 f.)

1634 Des. 9.

Reply of Sir Ferdinando Gorges to the propositions made by the Lords Commissioners for plantations in New England as to whether those interested would wholly resign their Patent to the King or stand to the same. Has conferred with them upon this topic and they leave it to his Majesty's pleasure nevertheless desire that their Patent may be confirmed with additional privileges, &c. (5 f.)

[Chas I.]

Petition of Sidrach Miller of London, Cooper, to the Privy Council. Shewing that by contract with John Mason of London, Esq. John Cotton and Henry Gardiner, and the rest of the adventurers for the province of Laconia in New England, the petitioner and his servants were transported to Pascataway, where they worked for the Company 18 months; that being sent to England by the Governor he left his two servants there who since have been discharged destitute of means or friends; that the Governor would not pay their passage money nor the Company settle the monies due to petitioner—prays for relief against so powerful a Company. (4 f)

1634 Mar 21.

Letter of Sir Ferdinando Gorges addressed to Sir Francis Windebank.

Sr.

I beseech yo^u to do mee the favo^r to lett theire Lo^pps knowe that forasmuch as I perceave it is his Ma^ties gratious pleasure to assigne mee Governor in New England, that I humbly desire their lo^pps wilbee pleased to give order for expedicon to bee used in repealing of the Patents of those already planted in the Bay of the Massachusetts, that there bee no just cause left of contencon by reason thereof when I shall arrive in thos partes.

That in the meane tyme there may bee some declaracon made of his Ma^ties pleasure as soone as our grand Patent is surrendred, wherby both myselfe and my friends may bee bould to make our severall prparacons for that service in due season and att best rates.

That order may be given that such as are to transport anie numbers of planters into those partes may have recourse unto the governo^r assigned to receave from him direccons where to settle themselves and howe to governe their affaires for theire p^rsent p^cfitts and safties, and free from the society of any turbulent spirritts to give them offence or impeachment.

That till farder order may bee had the governour may have commission to authorize some spetiall person w^th^ the assistance of others to bee joyned w^th^ him to governe all those w^th^ out the limitts assigned to those of the said Bay who nowe doe languishe for want thereof and in divers letters desire that a Governour may bee sent. And are doubtfull of the wrongs to be offered them from those that are more powerfully armed w^th^ a shewe warranting what they shall attempt in that case.

That it may be inserted in our resignacon to his Ma^ties^ his gratious pleasure to passe new Grantes unto the Patentees and others interessed in those affaires of all such partes of the Teretories formerly assigned unto them either by spetiall grantes lawfully obtained or mutuall agreement betweene themselves, that soe itt may appeare to posterity nothing was done w^th^ out due regard of the generall right belonging to everie particuler according tohis Ma^ties^ Royall goodnes in that behalf expressed —And wherein none can have just cause to complaine and all bound to blesse God for soe Royall respectes, and my selfe in particuler tied to continue to you for your noble farderance hereof as becomes

Yo' Honnors humble servant

FERD: GORGES.

(1635 April 22.)

Parchment deed granting to WILLIAM, Lord ALEXANDER, his heirs &c. a portion of the main land of New England, extending from S^t^ Croix to Pemaquid, with other specified boundaries, to be called by the name of the county of Canada; also the island called Matomack or Long Island, to be called herafter by the name of the Isle of Starling, together with all privileges, &c. &c. (20 f.)

1635 June 22.

Letter signed JOHN MASON, addressed to M^r^ ROB. SMITH concerning his being appointed Vice Admiral for New England. Being suddenly summoned to Portsmouth, requests him to take "pains to gett a book drawne for the office of a Vice Admiral" to be forwarded to him that he may see it before it be engrossed, &c. For charges consequent on this business desires him to repair to his "cousin Yoell at my brother Wolastons house in Foster Lane." (4 f.)

(Enclosing)

A memorandum relating to the Extent of the Jurisdiction of the Admiralty of New England. (1 f.)

1635 July 11. Portsmouth.

Letter signed JOHN MASON directed to M^r^ Secretary NICHOLAS.

A letter of news.—Urges him to expedite the warrant for him as

Vice Admiral of N. England. The one which he had from the Council chiefly concerned the suppressing of pirates, &c. &c.

Details about New England, number of inhabitants, state of trade shipping, &c. &c. (7 f.)

(Seal, a coat of arms.)

1635 Oct. 1. Whitehall.

Warrant for a Patent to be issued to Captain JOHN MASON to be Vice Admiral of N. England, comprehending the south seas and coast thereof; together with California and Nova Albion. (5 f.)

1638 June 20.

Letter signed FERDINANDO GORGES addressed to

Discusses at some length the necessity of supporting foreign plantations, (written in the form of objections and answers.) Submits to the consideration of the person addressed the expediency of directing a commission to the proprietor of some one province (not yet pestered with people likely to reject authority), joining some of the most discreet residents in NewEngland to inquire into the state of the country, &c. By the same means a general commission might be sent for the settling a Governor and other officers of state, with instructions not to divulge the same until there appears a willingness on the part of the strongest party to accede to and second it. It would be an undertaking of no little charge and difficulty, and therefore that the king would be pleased to make a competent allowance for performance of this service, &c. &c. Concluding as follows: "myselfe beinge unable to give that attendance as I in duty ought, humbly desireinge that by yo^{r} hono^{rs} meanes I may speedily receive knowledge of theire lordshipps commanndes and returne to mine owne house with hope the sooner to recover my health, &c."

1638 Nov. 29.

Letter signed GEO. BURDETT and dated Pascataq(ua), addressed to the Archbishop of Canterbury—mentions a supplication to the Lords Commissioners for plantations sent from Massachusetts, states his opinion that they are endeavouring to obtain command of the River of Pascataquay, a place possessed of numerous advantages—conceives "that his grace will judge it necessary wth all expedition to secure the river and harbour for his Majesty's use"—submits deferentially what course should be taken.—Has been told that Massachusetts magistrates have got copies of his two first letters to the person addressed, said to have been procured by M^{r} Vane from his Grace's chaplain, which he cannot believe was done with the consent of his Grace. (7 f.)

(Enclosing)

General observations for the plantation of New England. (These are of a religious nature.) (17 f.)

(1638–9)

Address signed WILL. BECHER, FRANCIS WIATT, ABRA. WILLIAMS, and LAUR. WHI...KER (probably Commissioners), stating that they had fully heard and examined Sir Ferd. Gorges with relation to his promise made in June 1632 in conjunction with Capt. John Mason as an Adventurer. Also concerning an alledged arrear of £254 said to be due to Sir Ferdinando, but proved the contrary by the Register Book. It alludes further to a cause in the Court of Requests between one Cotton plaintiff and Sir F. Gorges and Henry Gardiner defendants, concerning a sum adventured by Sir F. Gorges in a fishing voyage to New England. (11 f.)

1639 Jan. 28 Ashton

Letter of SIR FERDINANDO GORGES to Mr Secy WINDEBANK.

Sr

Havinge receaved lres out of New England I perceave had I not obteyned the graunte I lately gott from his Majesty I should not have beene Mr of more then I ocupied with my servants and those entrusted by me in that parte my house standes in, the rest beinge challenged som by one right, som by another, and som of those flyeinge to the governors of the Bay for authority to order theire affayers, as if they alone were the supream lordes of that parte of the worlde; and therefore howe I shall speede in my resolucon to make good his Mates Royall graunte, God that only governes all actions knowes. But havinge his Mates gratious favor there is nothing shall deter me from my attempt to make his power availeable where I have his warrant to doe it, besides all this I heare there wilbe great workeinge by som of theire agentes and freindes to stay me from prosecutinge my intentes, suspectinge (as it seemes) that his Maty may make use of me in tyme to regulate what is found to be amisse as sortinge with his honor and wisdom to satisfie those that hopes and prayes for it, as alsoe for that it is knowne to all to be a principle of state not to loose what may be kept that may any wayes prove advantageous in future tymes for profitt or service, and for the p'sent of noe meane employment for shipps and subjects that wantes or makes use of it. This much I thought fitt in discharge of my duety to comend to yor honors further consideration howe necessary it is his Mats and theire Lops should have knowledge hereof to the and there may be som tymely course taken to p'vent the worst that may be looked for here after. Although I have a purpose my selfe not to take shipping

before I humbly p'sent my selfe to his Ma^ty and theire Lo^ps to receave theire comannds and to putt soe much thereof in Execucon as lyes in the power of an humble servant and faithfull subject to doe, that covetts nothinge more in this worlde then the hono^r of his Soveraigne and prosperity of his nation.—Wittnes all my actions in the whole course of my life to this p'sent. Not further to trouble yo^r hono^r but that I will ever acknowledge my selfe

Yo^r hono^rs humble servant to be Comaunded
FERD: GORGES.

(Without date.)

An address (endorsed SIR FERD: GORGES) entreating their Lordships to take into their consideration the hinderance consequent upon the restraint of the undertakers of foreign plantations in transporting fitting individuals to those parts. Recommends the limitation extending only to factious or schismatic persons who principally direct themselves to the Bay of Massachusetts, &c. The course to be pursued for prevention thereof. (4 f.)

1664 Apr. 23

The King to the Governor and Council of the Massachusetts about sending Commissioners, to suppress the inquietudes which have been stirred up by evil minded men; to make known that the King is willing to renew or confirm the charter; to settle differences which have arisen between the several colonies upon the bounds and limits of the three several provinces; to obtain information respecting the neighbouring provinces and to provide against invasion, also to confer upon the matters, contained in a former letter from the King (June 22 1662), &c. &c. (25 f.)

1674–5 March

The title and case of Rob^t Mason touching the province of New Hampshire in New England. A^o 1616 King James I. sends John Mason Esq. as Governor to Newfoundland, who after remaining there two years was ordered to New England and with Sir Ferdinando Gorges made a voyage along the coast in 1619, account of which they furnished to his Majesty. A^o 1620 the King grants by charter to some of the nobility under the title of the Council of New England the territory called New England with divers privileges, who, dividing the same into several provinces, assigned a large tract of land to John Mason, which was afterwards enlarged and called New Hampshire. John Mason grandfather of Rob^t by various grants made 1620, 1629, 1635 was instated in the aforesaid province, and expended large sums of money in improving the same, appointing

for his first Steward or Governor, Capt Walter Neale. He continued until 1633, when he was succeeded by Captr Henry Jocelyne, who continued until 1638. Before that time John Mason died, having expended 20000£, leaving a widow Anne executrix during the minority of his grandson Robt. Aº 1638 Anne Mason sent over Capt Francis Norton, who exercised his office very unfaithfully until 1650, in which year Joseph Mason was appointed by Anne Mason, receiving instructions to call to account Norton on account of appropriation of the property to his own use. Upon legal proceedings being taken, Norton to avoid payment went into Massachusetts and combining with others of bad principle incited the Massachusetts to seize upon New Hampshire, which design was encouraged by Frost, Cromwell's Secretary, Aº 1652. The loyal inhabitants being compelled to submit, Joseph Mason in the year following as agent for Anne Mason petitioned the Genl. Court of Massachusetts for redress, offering to make out the title of the heirs of John Mason to the province. Aº 1660 Robert Mason (the heir) petitioned the King to send a Genl Governor to New England to bound each province &c., offering to resign his grant to his Majesty, but nothing was done therein. Aº 1661 Robt Mason again petitioned the King for relief against the Massachusetts; enquiry into and hearing of the matter being appointed, John Leverett appeared on behalf of the Massachusetts: the damages being laid at 5000£. Aº 1664 Commissioners appointed to settle New England affairs, who not finding at Boston due reception went in 1665 into the provinces of Hampshire and Maine, where they met with a welcome reception and a ready compliance to his Majesty's letters; and upon a general meeting of the inhabitants the province was declared out of the government of the Massachusetts. The commissioners having been into most parts of the province as well as of Maine to find the inclination of the people, acknowledge that they repudiate the Massachusetts and adhere to the hope of a speedy settlement by the Govt of England. Aº 1667 Letters to Robert Mason assuring him of the desire of the inhabitants of both provinces to comply with the King's pleasure in settling a government. Aº 1671 Robert Mason with Ferdinando Gorges, proprietor of the province of Maine, petitions the King for the settlement of New England and restoring the petitioners to their just rights; the same was referred to the Council for foreign plantations, who in a report (August 1671) advised his Majesty to send Commissioners to New England to examine the differences touching boundaries and amicably to adjust the same, which was assented to, the Council obliging Mr Mason and Mr Gorges not to sell their interests in New England without his Majesty's leave. Aº 1672 The war with

Holland put a stop to the Commission. But letters dated August in that year from Francis Champernoun and H. Jocelyne shew the earnest desire of the two provinces aforesaid to have his Majesty's Gov^{t} settled. A^{o} 1674 The war with Holland being ended, Robt Mason and Ferdinando Gorges renew their petition to the King and propose assigning their grants to his Majesty, taking others with less privileges. All which is submitted to the King and privy Council. (38 f.)

1677

Document entitled "The case of the Governor & Company of the Massachusetts Colony in New England."—14. Ja^{s} 1 3 Nov^{r} The tract of New England granted to forty Lords and others by the name of the Council of New England and established at Plymouth.—1628 Mar 19 the Council grant the Colony of Massachusetts to Roswell and others.—4 Mar. 4 Cha^{s} 1. the said grant confirmed. M^{r} Mason lays claim to the government of New Hampshire under a grant dated 9 Mar. 1621 and other subsequent grants.—M^{r} Gorges pretends to the government of Maine by grants &c. Confirmed by letters patent of the King in 1635. —A^{o} 1677 The matter referred to the two Lords Chief Justices. The Chief Justices after hearing all sides report to the King that they could give no opinion as to the right to the soil of New Hampshire and Maine not having the proper parties before them, &c. &c. As to M^{r} Mason's right of Government, both their Lordships and his own Counsel agreed that he had none. Four towns part of M^{r} Mason's claim excluded from the bounds of the Massachusetts. This report was confirmed by his Majesty in Council. Soon after it was signified to the Colony from the Lord Chancellor that the King had issued his pardon for coining, &c. and granted license for coining in future.—The four towns, Dover, Portsmouth, Exeter, and Hampton excluded the government of the Massachusetts, and M^{r} Mason having no right to govern there, petition the King to be placed under the Massachusetts Gov^{t} as they have been for 40 years part. The agents for the colony also petition the King to grant the same and give especial reasons wherefore.—This petition was referred to the Committee for Trade. Upon this a contra petition in the names of M^{r} Mason and M^{r} Gorges against the grant desired by the Company, the former offering to surrender his right to the King. M^{r} Gorges also makes the same offer, but upon examination disowns the petition. The agents having spent fifteen months in this business, and their private affairs calling for their return home, pray a hearing of these matters before the said Committee &c. (14 f.)

[1683?]

Petition of the Inhabitants of Maine to King Charles 2nd.

To our dread sovereigne Charles the Second King of England &c. The humble address and petition of your subjects the inhabitants of the province of Maine in New England.

Sheweth,

Whereas your father King Charles the first of blessed memory was pleased of his grace to graunt to Sr Ferdinando Gorge and his heyres a pattin for the province of Maine in New England, And which since your goodness hath been pleased to confirme And under that goverment wee the inhabitants aforesaid your subjects have peaceably lived untill the Mathatusetts took dominion over us by vertue of theyr pretended pattin right. And whereas Ferdinando Gorge one of the heyres of Sr Ferdinando Gorge hath claymed the said pattin and the inhabitants thereof have formerly submitted thereunto for some yeares untill by vertue of your Majesties letters directed to the Mathatusets and the people of the sayd province of Maine requiring a surrender of the goverment therof to Ferdinando Gorge which was obstructed by the Mathatutes authority And allthough by vertue of your majesties commitioners authority they comming over about the same time who stated us under your immediate authority but soon obstructed by the above mentioned Mathatusets authority again and since which time the Mathatusets haveing purchased the sayd patten do yet regulate according to theyr owne charter and not according to the pattin right of sayd province, who allsoe imposeing laws on us contrary to our patten right both in eclesiasticks and civills in drawing us out from hence to Boston and confiscating or demolishing all houseing where in wee may worship God except allowed by themselves—

Your poor subjects now lyeing under the burthen of so many grievances earnestly petition your Majesty that wee may bee reinstated and settled under your owne immediate authority and no other.

Peter Grant	George Gray
James Grant	Joy Nason
John Key	John Searle
Clement Short	John Neale
Niven Agnew	William Furbish
Nathan Lord Senr	Christopher Batt
Miles Thomson	Nathan Bedford
Rich. Nason	Walter Rendel

Jonathan Nason	Diggerie Jeffrey
Nicho. Hodsden	James Wiggons Senr
John Greene Senr	James Wiggons Junr
Nathaniel Lord	Rice Thomas
Bennoni Hodsden	Nic. Shapleigh
John Taylor	Dennis Downing Sinyour (Senr)
James Waren	Joshua Downing
Alexander Cooper	Jeamis Tobee
Andrew Sarle	Thomas Hancome
Rich. Cutts	Richard Whitt (White?)
Will. Scriven	Fran. Champernowne
Will. Rogers	Fran. Morgan

1671 June 21.

Council Minutes for foreign plantations.

Col. Cartwright, one of the Commissioners for hearing appeals in New England, attended and informed the Council on several points—That the said Commissioners had sent a map of New England and a book of 111 pages in folio (containing narrative of their proceeding and observations relating to the several colonies) to the king at Oxford in 1665. That another copy was given to Lord Arlington. Information respecting the country also touching the coining of money—also notes concerning the shipping and land forces. An item among the latter mentions "men able to beare arms in the province of Mayne, 1000." (5 f.)

1672 Dec. 17. Piscattaqua River.

Letter to the king signed Nicholas Shapleigh upon the subject of cutting mast-trees in the province of Maine upon land appertaining to Ferdinando Gorges, which mast trees had been granted to himself and another friend. The government of Gorges being wholly set aside and jurisdiction of the Bay of Boston exercised there, he fears the mast trees will be entirely destroyed—desires the prohibition of the king respecting the same. (10 f.)

1688 Oct. 20.

Printed proclamation signed E. Andros—Several of the inhabitants of the province of Maine and the County of Cornwall in New England having been murdered by Indians, it is ordered to set at liberty such of his Majesty's subjects as are at present detained by Indians, and all concerned in the murders aforesaid are required to surrender themselves. (7 f.)

NEW ENGLAND ENTRY BOOK, No. 32.

1674–5 Mar. 12. Whitehall.

Privy Council Minutes, &c.

Read the petitions of Ferdinando Gorges and Robert Mason, complaining of their being dispossessed by the unjust dealings of the Massachusetts of their inheritances in the provinces of Maine and New Hampshire. Ordered, that the Committee for Trade &c. do take it into their considerations on the 14th and report opinion there upon to his Majesty in Council. (2 f.)

Petition of Robert Mason to the King and Privy Council, prays, to be restored to the possession of his inheritance in New Hampshire, which has been violently wrested from him by the Massachusetts. (7 f.)

Petition of Ferdinando Gorges to the King and Council, praying to be restored to his inheritance in the province of Maine, which since it descended to him he has enjoyed possession of for many years through the means of Commissioners by him appointed, some of whom have been imprisoned by the Massachusetts who have wrongfully assumed the government thereof. (5 f.)

The foregoing petitions being read, Mr Mason presents their Lordships with a report of the 15th of February 1661, touching this matter, having reference to the petitions of Robert Mason and Edward Godfrey to the following effect, viz.

That from divers letters patents and examination of witnesses they find that John Mason, grandfather of Robert Mason, laid out great sums of money in settling the plantations, &c. That Edward Godfrey lived there for 25 years and discharged the office of the Governor of the province of Maine with integrity and justice according to the settled laws of this kingdom — that he has been dispossessed of his lands and office by the Massachusetts who encroaching upon petitioner's inheritance have compelled submission to their usurped government. Refers also to the endeavours of the last named colony to erect themselves into a free state or commonwealth, & their declaration that they would rather sell their colony to the King of Spain than submit to any appeal to England. That there doth not appear any pretence for the assumed authority of the Massachusetts &c. Signed Robert Mason—John Exton—G. Sweet—William Turner—Sir Richd Ford. * (13 f.)

* This document is found entire in Belknap's Hist. of New Hampshire, Appendix No. 16. The signatures differ.

Mr Mason, having opened many points by his discourse concerning New England, their Lordships ordered him to bring at their next meeting the state of his case in writing and to set forth his proposals and the conditions he would insist on according to what he had intimated touching some overtures made by him lately to his Majesty about surrendering his interest in New England, did on the 1st of May following present a paper of proposals which were then read, bearing the following purport—In order to establish his Majesty's interests in New England, it seems advisable upon the grounds of the petitions of Gorges and Mason that the King should interpose his authority by way of mediation. That Commissioners to the number of five be appointed to reconcile all differences, &c. The said Commissioners to proceed first to Portsmouth where are located persons of good estate and well disposed towards the king. On their arrival in New England they are to summon the inhabitants of Hampshire and Maine to hear the commission read, to dispatch a messenger with the King's letter to Massachusetts, and to appoint a town in New Hampshire for the place of the treaty. The Commissioners are further to make acquaintance with the chiefest and best inclined persons in the two provinces of Hampshire and Maine and make known to them his Majesty's intentions, &c. —If necessary for the Commissioners to proceed to any other part of New England, power is given them to leave any one of their number in such place as they may find requisite and to add others to the Commission. (25 f.)

. Draught of his Majesty's declaration to the inhabitans of New England. For the peace and union of the provinces and taking into consideration the petitions of Gorges and Mason, is pleased to appoint Commissioners to repair there forthwith for the purpose of reconciling the differences, &c., and to return after three months' stay. If it be found impracticable to effect this purpose, the parties disagreeing shall be required to elect some persons as their Agents to represent them to his Majesty. The petitioners are required by themselves or deputies to attend the Commissioners on their arrival in New England. (3 f.)

Draught of a letter from His Majesty to the Massachusetts in New England upon the same subject as the foregoing, stating that Commissioners are appointed to arrange the difficulties upon the petitions of Robert Mason and Ferd. Gorges, enjoining them to acquiesce in the determinations made by the Commissioners touching boundaries, &c. (11 f.)

1665 May 30.

Letter from the Governor of the Massachusetts to Mr Secretary Morice, being in reply to his Majesty's of the 11th of June 1664.

Being commanded by the King's letter to make restitution of the province of Maine (now called Hampshire) to Ferdinando Gorges or his Commrs, or to shew reason for the contrary, they submit that by their charter their grant was clearly shown to extend three miles north of the most northerly part of the Merrimack river, and to extend in a line of longitude from sea to sea in the said latitude. That in 1652 they appointed two competent persons to discover the northermost point of the Merrimack river, and that they might not be mistaken in the point where they took their station, viz where the river issued out of the lake called Winnepechochett they took the opinion of Indians of that place who testified that the river there was the Merrimack. That afterwards other skilful persons were commissioned to take the same height of the northerly latitude at the sea coast as the others had taken within the land, who accordingly set up a boundary mark—all which facts are upon record, and for the better manifestation thereof they have presented a map of the whole tract to his Majesty's Commissioners whereby it will appear that the land claimed falls within their patent. In conclusion they signify that their charter is antedated ten or eleven years to that of Sir Ferd. Gorges, which they humbly conceive will confirm their right and title, &c. (9 f.)

1665 May 17.

Deposition signed Simon Willard and Edward Johnson respecting the Northern line &c. which they were appointed to lay out in 1652. (4 f.)

Return of the observations taken of the northerly bounds of the Patent line, 13 October 1653, (with Attestation)—Signed Jonas Clarke and Samuel Andrews. (6 f.)

Certificates concerning the Patent Line and the Merrimack River, by which it appears that Sergt John Sherman, Walter Towne and Jonathan Ince, a student of Harvard College, as artists accompanied Captains Willard and Johnson on their survey. (8 f.)

1666 Apr. 10.

Letter of the King to the Massachusetts—Has received from the Governor an account of all the proceedings which have taken place between them and the Commissioners who were sent into New England,

&c. Has thought fit to recall the Commissioners to learn more fully the state of the plantations, &c. Commands the governor and Council of the Massachusetts to choose four or five persons (of whom Mr. Rich[d] Bellingham and Major Hawthorne are to be two) to be sent over to attend his Majesty, who will hear in person the allegations or pretensions to right on behalf of the said colony. And his Majesty's commands are that there may be no alterations with reference to the government of the province of Maine till he has heard what is alledged on all sides, but that the same continue as his Majesty's Commissioners have left the same, until his Majesty shall further determine. All persons who have been imprisoned for petitioning &c. the King's Commissioners, are to be set at liberty and no further molestation to ensue. What determinations have been made with reference to bounds and limits by the said Commissioners are still to be observed until the King's final judgment thereon, &c. &c. (11 F.)

Result of the Committee.—Their Lordships having considered the aforesaid papers order M[r] Attorney and M[r] Solicitor Gen[l] to examine the titles of M[r] Mason and M[r] Gorges to the provinces of Hampshire and Maine and to report upon the validity thereof—That the King be moved to send Commissioners into New England to the number of five.—Although the charges are computed at 7 or 8000£ yet they conceive the advantages to be commensurate.—If the sending Commissioners be approved of, instructions shall be given them to end all differences amicably or they may send over their Commissioners to attend his Majesty and the case may be heard here.—If on the contrary they are refractory, the King will take advantage of the law and they must expect a barrier put upon their trade.—The opinion of the Commissioners of the Customs to be taken relative to the Acts of Trade and Navigation which affect New England, &c. (5 f.)

1675 May 1 Whitehall

Letter of the Lords to the L[d] Treasurer.

Having entered into the several particulars in pursuance to the King's reference of the pretensions of M[r] Mason, they are desirous to ascertain the opinion of the Customs how far the Act of Trade and Navigation takes cognizance of New England, what violations have been carried on by the inhabitants; a computation of the detriment arising therefrom and the rules most fitting for remedy. (2 f.)

The order of the Committee to Mr Attorney and Mr Solicitor Genl to make report upon the titles of Mason and Gorges to the provinces of Maine and Hampshire. (2 f.)

1675 May 14

Answer of Mr Attorney and Mr Solr General concerning the province of Maine. Are of opinion that Ferdinando Gorges as the grandson and heir of Sir Ferdinando Gorges, has a good title to the aforesaid province. (3 f.)

1675 May 17

Answer of Mr Attorney and Mr Solicitor Genl concerning New Hampshire. Are of opinion that the petitioner Robert Mason has a good and legal title (as grandson and heir to John Mason) to the lands known by the name of New Hampshire. (5 f.)

1675 May 18 Wallingford House.

Answer of the Lord Treasurer (Wanby), stating that he transmitted the paper sent him (concerning the pretensions of Mason and Gorges) to the Commissioners of Customs, whose report he herewith encloses. (1 f.)

The Report from the Commissioners of the Customs alluded to in the foregoing. (11 f.)

Meeting of the Lords on the 2 December 1675. in order to determine something in the case of Mr Mason and Mr Gorges, touching their pretensions in New England. At which meeting was read a narrative of the settlement of the corporation of the Massachusetts Bay, drawn and given in by Mr Mason, concluding with an account given by Capt. Wyborne, Commander of one of his Majesty's Frigates, how he found the state of things there in 1673. [This narrative is given at length.] (33 f.)

Result of the Committee—

The Lords understanding that Mr Mason has an earnest desire for the speedy sending away Commissioners to New England or a new Govr to right him in his pretensions, having taken into their consideration the great charge, uncertainty of success and other difficulties attending thereon, think it more advisable that the King should send over the statement of complaints requiring them to send over Commissioners to arrange the matter. If they refuse this, his Majesty would then have a clear course open to him. Mr Mason being called in was advised to await the issue and recommended to prefer a petition to the Committee touching his claim to be presented to his Majesty and Council, with advice that it be transmitted to the Bostoners as a manifestations of un-

willingness to treat the matter ex parte, and that they be required to send over their Agents or Attornies in the space of eight months.

(5 f.)

In pursuance of their Lordships' directions Mr Mason and Mr Gorges present their petitions as follows:

Mr Robert Mason's petition (concerning New Hampshire) to the King.— (28 f.)

Petition of Ferdinando Gorges (concerning the province of Maine) to the King—Shewing that by letters patent of King James dated 1620 Nov. 3, that portion of the country called New England lying between 40° and 48° degrees of latitude, was granted to divers of the Nobility &c. by the name of the Council of New England. That by virtue of several grants from the said Council dated respectively 1622 Aug. 10, 1629 Nov. 7, and 1635 April 22, Sir Ferdinando Gorges, petitioner's grandfather, obtained a tract of land called the province of Maine, lying upon the seacoast between the Rivers of "Pascattaway" and "Sagerdahock," confirmed under the great seal of England—that by grant dated 1629 Nov. 17, Sir Ferd. Gorges conjointly with John Mason were seized in fee of other lands in New England known by the name of Laconia, &c. &c. That the said Sir Ferdinando did expend in transportation of people and building upwards of 30,000£ and by deputies, &c. governed the province peaceably for a considerable period—That the King by reason of complaints against the settlers in Massachusetts Bay and upon the resignation of the great Charter of New England resolved to take to himself the government of New England and to have one general Governor there—That thereupon he nominated Sir Ferdinando Gorges to be Governor. All which appears by the King's declarations and Commissions (July 1637). That shortly after the troubles which arose in Scotland and England prevented petitioner's grandfather from going to his Government, but he attended the King into Scotland and was engaged in his Majesty's service during the wars in England; that his estates at home were plundered and sequestered in the time of the usurpation and he was dispossessed of his province in N. England by the inhabitants of the Massachusetts, who turning out all that held commission from Sir Ferdinando divided his lands among their own creatures. That ever since the restoration the petitioner has prayed for relief, which petition has been referred to the Committee of plantations who have made report thereon. The title has also been examined and reported on favourably. That the Massachusetts have endeavoured to enter into terms

with petitioner, that he has been offered many thousand pounds for his interest in the province, but has firmly refused the same, having promised neither to sell or alienate the same without Consent of the King. That he has sustained vast losses and expenses -prays relief and the restoration of his province. (14 f.)

1675 Dec. 22.

The above petitions being read—at the same time was presented the following report with his Majesty's order thereon.

1675 Dec. 20. Whitehall.

Report of the L^ds^ Committee for Trade and plantations touching the interests of M^r^ Mason and M^r^ Gorges in the provinces of New Hampshire and Maine. Have examined the pretensions of the petitioners concerning which the late Council for Plantations in Report of Aug. 12, 1671, advised His Ma^ty^ to send over Commissioners to settle the differences, &c.—Upon mature consideration, however, they do not think the plan expedient, but propose copies of the petitioner's statements, and to be sent over to the people of Boston, that they may have an opportunity of considering the allegations and empowering some one for them to answer thereto. (5 f.)

Order of the King in Council approving of the foregoing report—The Secretary of State to prepare a letter requiring the Governor and Magistrates of Boston and Massachusetts to send over Agents within the space of six months to answer the petitions and complaints of Mason and Gorges. (2 f.)

1675–6 Mar. 10.

Letter of the King to the Governor and Magistrates of the Town of Boston, requiring Agents to be sent over in order that the matter pending may be finally determined. Commands that this letter together with the petitions of Mason and Gorges be publicly read, and further commands that Edward Randolph, bearer of this letter and the said petitions, be admitted into the Council, he being appointed to bring back the answer and render an account of the proceedings. (6 f.)

Memorandum concerning the intended voyage of M^r^ Randolph.—

On the 20^th^ of March, M^r^ Mason, M^r^ Randolph, and M^r^ Smith, Master of a vessel bound for New England, were called in and the Master instructed by M^r^ Secretary Coventry, that in case of M^r^ Randolph's falling ill, he do present the King's letter to the Magistrates of Boston in the same manner as M^r^ Randolph would have done, &c.

Memorandum that some instructions be prepared for M^r^ Randolph. (2 f.)

1675–76 Mar. 20. Whitehall.

The King's Instructions to Mr Randolph.—

That upon delivery of the letters of which he is the Bearer he press the Governor and Magistrates to assemble a full Council as speedily as possible, himself demanding admittance thereunto in the King's name in order that he may render a good account of the same.

That he shall call for answer to the said letters to be given within a month after the delivery thereof, which answer he shall bring back with all speed. If opportunity occur of writing before his return, he is to render an account of his proceedings to one of the Secretaries of state. (3 f.)

At the same time a certain paper of enquiries was read and approved of, to be given to Mr Randolph for his better observation of things in New England, of which he is recommended to inform himself as much as he can during his stay there.

Enquiries respecting New England given to Mr Edward Randolph (in 12 divisions). (8 f.)

An Estimate or abstract of Observations upon matters in New England, of which Mr Randolph is to take notice so as to confirm or disprove the truth thereof. (5 f.)

On the 2nd Novr the Lords receive a letter directed to Mr Secretary Coventry and delivered by Mr Edwd Randolph, from the governor and Council of Boston in answer to his Majesty's letter of 22nd Sept. 1675, touching Mason & Gorges in the tenor following:—

1676 June 3.

Although oppressed by the Indian war and impeded by an epidemical sickness from calling a general council, they hasten to acknowledge the receipt on the 10th instant by the hands of Mr Randolph of his Majesty's letter and the petitions of Mr Mason and Mr Gorges, at the same time they signify the complaints contained in the latter as referring to the colony to be "impertinences, mistakes and falsehoods," which they doubt not to prove in a more particular answer—fear not to submit the whole matter to a just and equal determination, &c. (6 f.)

1676 12th Oct.

On the 16th Novr is read a Narrative of the present state of New England and other papers presented by Mr Edwd Randolph, in pursuance of his instructions and inquiries received from the Committee of 20 March 1675, the heads of which enquiries answered are as follows:

1 Where the legislative and executive powers of New England are vested?

2 What laws and ordinances are now in force contrary or derogatory to those of England and what kind of oath is prescribed, &c.?

3 The number of the different classes of persons, their professions, &c., and how many are able to bear arms?

In the reply to this query it is stated that the inhabitants including Hampshire and *Maine* are computed to be upwards of 150,000.

4 The number of forces, &c.?

5 What castles and forts, how situated and furnished?

6 The reputed boundaries and contents of land?

7 What correspondence they keep with their neighbours the French, and the government of N. York?

In the reply to this enquiry occurs the following passage—"The French have held a civil correspondence with ye inhabitants of Hampshire, *Maine* and the Duke's province, although the Government of Boston upon all occasions is imposing upon ye French, &c."

8 The original cause of the present war with the Indians, the advantages, disadvantages and final end thereof?

9 The commodities imported and exported, the number of ships, and how the Act of Navigation is noticed?

10 What are the Taxes, fines and revenues &c.?

11 How they stand affected towards the gov^t of England, and who are the most popular men?

In the answer to the foregoing we read, "The inhabitants are generally well affected to his Majesty and his government as well the merchants, farmers, as the meaner traders & artificers who groan under the yoke of the present government, and are in daily hopes and expectation of a change by his Ma^ty's resuming the authority and settling a general government over the whole country, without which it is feared civil wars will in a short time break out between the Colonies. The government of the Massachusetts dayly imposing and encroaching upon their neighbors, and therefore the loyal colonies of New Plymouth and Connecticut, New Hampshire and Maine, seeing these inconveniences daily increasing by a divided government, are very desirous of submitting to a gen^l governor to be established by his Ma^ty."

12 What is the present state of the ecclesiastical government, also the management of the universities? (150 f.)

A short narrative (addressed to the King) of the delivery of his Majesty's letters to the Magistrates of Boston by EDWARD RANDOLPH.

Upon his landing at Boston he waited immediately on Governor John Leverett and informed him of the object of his mission, desiring that the magistrates might be assembled to hear read the King's letters. The governor replied that there would be a meeting on other business that afternoon, to which Mr Randolph should be sent for. At this meeting were present the governor, six of the Magistrates and the Secretary, Mr Randolph, being desired to be seated, the Governor opened the letter and seeing at foot the signature H. COVENTRY, desired to know who Mr Coventry was. At the commencement of the reading Mr R. uncovered himself, whereupon three of the magistrates did the same, the remainder with the Governor being covered. The letter with the petitions of Gorges and Mason being read, the Governor told the council that the matters contained therein were very inconsiderable, and that it did not concern the government to take any notice thereof. To which Randolph replied that the King required an answer, when the governor said they would consider of it.—This closed the interview. Mr R. then waited upon some of the most eminent men in Boston and delivered Mr Mason's letters to them, giving an account of the King's letter, and the reason of his (Randolph's) coming into those parts. After two days' consideration of the council it was resolved to send an answer to the King's letter by a ship about to sail.—On the 15th of June he was sent for by the Governor and asked if he intended leaving by a ship then on the point of sailing, as in that case he should have a duplicate of the letter sent to the King, together with a particular answer to a letter from Mr Secretary Williamson. Randolph in reply told them he had other matters in charge to attend to, and that he should not return so soon, when after some conversation the governor said that "they looked upon him as Mr Mason's agent and that he might withdraw." The next day he visited the Governor again and had some discussion about violations of the laws of Navigation and Trade, &c. A few days after Randolph met with a Mr Harris who told him that upon his arrival about six months before, he being conducted to the governor, (which is the practice there,) the latter enquired of him if he knew Mr Mason—whether it was true he was coming over—and what Commissioners were to accompany him, &c. &c.

On the 23rd of June, Randolph addressed a memorial to the governor and council, reminding them of his Majesty's commands for the sending over agents, and requesting a general council might be assembled to

deliberate upon an answer to his Majesty's letter, to which the only reply given was that when he was ready to sail he should have a copy of their letters to the King. About the beginning of July he went into the province of New Hampshire belonging to Mr Mason, travelling through most of the principal towns and reading Mr Mason's letter to the principal inhabitants, when he found the whole country complaining of the oppression and usurpation of the inhabitants of Boston. Being at Portsmouth, a town upon the river Pascattaway, several of the principal inhabitants of the province of Maine, (since called Yorkshire by the Bostoners,) came to him with the same complaints as those of New Hampshire, earnestly entreating him to represent their condition to his Majesty and praying relief, some of them having been suffered to be ruined by the Indians for having formerly expressed their duty to His Majesty when the Commissioners were there, and for having taken commissions from them to act as Justices of the peace.—On his return to Boston he received a message from Mr Josiah Winslow tha he would pay him a visit, with whom he had some discourse concerning the magistrates of Boston and the affairs of N. England, &c. During his stay in Boston he made acquaintance with many of the chief inhabitants and found the generality of them opposed to the arbitrary proceedings of their rulers. The time having expired for his return to England on the 20th of July, he went to the governor for his despatches, when he was sharply reproved for making his errand so public to Mr Mason's and Mr Gorges' friends in Boston, New Hampshire, and Maine, telling him that he designed to make a mutiny and disturbance in the country, &c. On his departure the governor gave him the duplicate of a letter which had been sent to Mr Secretary Coventry a month previously, and both he and the Magistrates entreated him to render a favourable account of the country, &c. * (37 f.)

The Governor and Company of the Massachusetts Bay having in pursuance of the King's Command signified by his letter of the . . . sent over their agents to answer the complaints of Mr Mason and Mr Gorges, they presented to the King in Council on the 13th of Dec. 1676 an address, viz.

Petition of the Govr and Company of Massachusetts Bay in general Court assembled to His Majesty.

Have entrusted the management of their defence in the proceedings complained of to William Stoughton and Peter Bulkley Esquires, are thankful that His Majesty has afforded them time and opportunity to prepare their justification. (14 f.)

* See Hutchinson's Coll. Papers for E. Randolph's Narrative, p. 477.

At the same time was presented the following—

Petition of Mr Gorges and Mr Mason for a hearing, and that the agents of the Massachusetts may have notice given them for their attendance. (2 f.)

Dec. 22.

A second petition of Mr Gorges and Mr Mason was presented to the like effect. (2 f.)

Whereupon at Whitehall, Dec. 22, 1676, the following order was made:

Order of the King in Council, upon the petn of Robert Mason and Ferdinando Gorges that a day may be appointed for the hearing of their complaints. Friday the 12th day of Janry is fixed, on which the Massachusetts agents are required to attend the Council. (2 f.)

On the 10th of January following the agents for the Corporation of Boston petition his Majesty as follows:

Petition of William Staughton and Peter Bulkley to the King and Council:

Petitioners, being entrusted by the Governor and Council of Massachusetts to make defence to the complaints of Mason and Gorges, set forth, that the said Mason and Gorges lay claim to several tracts of land in New England by virtue of certain grants from the council of N. England, particularly Mason by Indentures dated 1621 Mar. 9. 1622 Aug. 10, 1629 Nov. 7. & 1635 April 22. Also Gorges by like indentures of 1622 Aug. 10, 1629 Nov. 7, 1635 Apr. 22 and 1629 Nov. 17th. That your petitioners have made search for the said Records in the Rolls Chapel in Chancery and other offices, but cannot find the same, that being summoned to attend the hearing fixed for the 12th of this month they submit, that without the said Grants they are unable fully to instruct their counsel, and that it probably may necessitate a double hearing; pray therefore that Mr Mason and Mr Gorges may be ordered at petitioners' cost to furnish copies of the grants aforesaid, the petitioners being willing to reciprocate the same favor, and pray the hearing may be deferred for a farther day. (7 f.)

Where upon on the 10th of Janry 1676–7, at the Courtat Whitehall, it was ordered, viz.

Order of the King in Council that Mr Mason and Mr Gorges and the said Agents do alternately deliver to each other true copies of such grants relating to their respective claims in New England as each party shall desire of the other, the charge to be paid by the parties that desire

and receive the same, the hearing thereof to be within one week after notice given to the Clerk of the Council of such mutual exchange of copies of the grants aforesaid. (5 f.)

On the 19th of January Mr Mason and Mr Gorges petitioned his Majesty as follows:

Petition of Robert Mason and Ferdinando Gorges, showing that in obedience to His Majesty's order in Council of the 10th instt they did on Friday last deliver to the Agents of the Massachusetts copies of such grants as were demanded by them notwithstanding the reciprocal was denied to the petitioners, pray that His Majesty do appoint a hearing on next Council day and that the said Agents be summoned to attend. (2 f.)

1676–7 Janry 31.

In consideration of the foregoing petition and of the readiness of the Agents to appear, His Maty was pleased to order a hearing, viz.

Order of the King in Council. The Agents of the Massachusetts having acquainted the clerk of the Council that they had received from Mr Gorges and Mr Mason copies of the grants demanded, and the said Gorges and Mason petitioning for a speedy hearing, the matter was appointed to be heard the 7th of February next at 3 oCl. P. M. (3 f.)

Which complaints of Mason and Gorges being heard accordingly and the defence of the Agents of Boston, the following order was issued:

1676–7 Feb. 7.

Upon a hearing of the Council on behalf of Gorges and Mason and the Agents of the Massachusetts, defendants, concerning the claims to the governmt and soil of several territories in N. England, His Maty was pleased to refer the whole matter to the Committee of Trade and Foreign plantations, who are 1stly to enter into an examination of the bounds and limits pretended to by each party. 2ndly to examine the patents and charters insisted on by either side to find out and settle how far the rights of soil or government belong to either of them. For their Lordships' better assistance therein the Lords chief justices of the Kings Bench and Common Pleas are directed to give their aid to the examination which is to be conducted with all speed and reported on accordingly. (4 f.)

In pursuance of the order aforesaid the Committee met on the 31st of March, when counsel being heard on both sides legal objections were taken to the validity of petitioners' grants.—Whereupon the Lords finding that they cannot proceed regularly without the assistance of the

Chief Justices before mentioned, determine to summon them for that purpose and defer the hearing, as is declared in the letter following:

1677 Apr. 3. Whitehall.

Letter signed Phillip Lloyd, addressed to Lords Chief Justices Rainsford and North, requiring their Lordships attendance in the case of Mason and Gorges on Thursday next. In order to elucidate the business, transmit their Lordships an abstract of all the grants upon which the claims of the parties are grounded. (3 f.)

Their Lordships having met on the 5th of April, the parties being called in, the Agents for the Massachusetts insist upon their right of Government in the Territories claimed by petitioners as lying within the bounds of longitude and latitude described in their charter, and that their right of possession was confirmed by an act made at the general court at Boston in 1652. As to the soil they do not lay claim thereto by virtue of their patent, but leave it to their Lordships to consider the vast expense they have been at in protecting those countries, which the complaints have never been able to do.—On the other hand Mason and Gorges claim both soil and govt as their inheritance by virtue of patents granted to their ancestors by the council of Plymouth. The Lords finding the case to be such as to require first the consideration of the judges as to the matter of law before the matter of fact and law could be adjusted together, in order to report to His Majty the result of their enquiries direct an order to be prepared as follows:

1677 Apr. 5.

Order signed, Phi. Lloyd, referring the case of Mason and Gorges to the Lords chief justices, their Lordships in pursuance of his Majtys order having met and the Lords chief justices and parties attending, and being heard by their counsel, the committee finding that the case was not ripe to make report on to His Majty, there being several points in law to be considered—the said Lords ordered Mr Mason and Mr Gorges to prepare a statement of their case in writing and to attend the Lord-Chief Justices therewith, also to give copy of the same to the Massachusetts agents who if they have any objections thereunto are to reduce the same to writing, to be given to the said chief Justices, rendering at the same time copy to Mason and Gorges. The which matter having been duly considered and examined, the chief Justices are desired to declare to the committee when they are ready to give their opinion therein when the Lords will meet and consider of a report to be made to the King. (6 f.)

On the 17th of July the Lords Chief Justices present the Committee with a report touching the pretensions of Mr Mason and Mr Gorges against the Government of Boston, pursuant to a reference of the 5th of April 1677, viz.

Report of the Judges in the case of Mason and Gorges.

Having received papers of the cases, and the parties having appeared, the respondents did disclaim title to the lands claimed by petitioners, and it appears that the said lands are now in possession of persons not present, whereupon they did not think fit to examine any claim to the title of the said lands without hearing the terre-tenants or some one in their behalf, but if there be any court having jurisdiction upon the place would direct the parties thither for decision of the question of property. They then examined the claim to the Government, the petitioners having waived the pretence of grant of government from the Council at Plymouth, being convinced by their Council that no such power could be transferred by law.—The question was then reduced to the province of Mayne, whereto the Petr Gorges made his title by a grant (15 Car: I.) made to Sir Ferdinando Gorges and his heirs of the province of Mayne and the Govt thereof. In reply the respondents allege that long before, viz, 4 Car. I. the Government was granted to them, and produced letters patent of grant from the Council of Plymouth, extract of which is recited.

To this it was replied that the Patent of 4th Car. I. was invalid, (1.) Because there was a precedent grant 18 Jac. I. of the same things then in being, which Patent was surrendered afterwards and before the date of the other of 15 Car. I. (2.) The grant of the Government can extend no farther than the ownership of the soil, the boundaries of which recited in that Patent wholly exclude the province of Mayne which lies northward more than three miles beyond the river Merrimack.

Having considered the matter are of opinion that the Patent (4 Car. 1) is good notwithstanding the grant (18 Jac. 1), for it appears that the Council of Plymouth had granted away their interest in the land one year previously, and it must be presumed that they then deserted the Govt, whereupon it was lawful for the King to establish a suitable plan of Govt, which was done by Patent (4 Car. 1).

Touching the second point it seems clear that the grant of the Govt 4 Car. I. extends no farther than the boundaries expressed in the Patent, and those boundaries cannot be construed to extend farther northwards along the river Merrimack than three English miles. For the north and

south bounds of the lands granted so far as the rivers extend are to follow the course of the rivers which make the breadth of the grant:

And the words describing the length to comprehend all the lands from the Atlantic Ocean to the South Sea, of and in all the breadth aforesaid, do not warrant the overreaching of those bounds by imaginary lines, &c. &c.

And if the province of Maine lies more notherly than three English miles from the river Merrimack, the Patent (4 Car. I.) gives no right to govern there and thereupon the patent of the same 15 Car. I. to the petitioner Gorges will be valid.

So that upon the whole they are of opinion that the Respondents the Massachusetts and their successors by their Patent (4 March 4 Car. I.) have such right of Gov^{t} as is granted by the same Patent within the boundaries of their lands expressed therein according to the exposition before mentioned. And that the Pet^{r} Sir Ferdinando Gorges his heirs and assigns by the Patent (3 Apr. 15 Car. I.) have such right of Gov^{t} as is granted them by the same Patent within the lands called the Province of Maine according to the Boundaries expressed in the same Patent.

(22 f.)

1677 July 17.

Report of the Committe to the King upon the foregoing report of the Judges concurring in the opinion of the Judges aforesaid. (5 f.)

1677 July 20. Whitehall.

Order by the King in Council upon the Report of the Committee and of the Judges:

The foregoing reports having been read at the Board on the 18th inst^{t} it was ordered that M^{r} Gorges and M^{r} Mason together with the Massachusetts agents should be this day heard upon the said Report if they had any objections to make thereto, in pursuance of which all parties attending with their Counsel and nothing material having been alleged to prevail upon the Board to differ in judgment with the said Report, His Ma^{ty} did approve and confirm the same, ordering all parties to acquiesce therein. (4 f.)

1677 Sep. 6.

Upon the 6th of Sept^{r} 1677 the Agents of Boston present a paper concerning those plantations which by the Judges report appear to be without their jurisdiction, signed W^{m} Stoughton and Peter Bulkeley, shewing that between the northern bounds of the Massachusetts Colony (as retrenched by the report above stated) and the southern bounds of

the province of Maine allowed and adjudged to Mr Gorges, there doth lye a small tract of land which though begun to be peopled and planted upwards of forty years since, yet by reason of the scantiness of its accommodation contains in it no more than four plantations or towns, the inhabitants few and of mean estate.

That these have never been taken in by any other Government saving that of the Massachusetts, pray that His Maty may be moved to confirm & settle the same under the Government of the Massachusetts. (5 f.)

1677-8 Janry 23.

Order in Council.

The petition of William Staughton and Peter Bulkeley having been read, setting forth that the matters in dispute between the Company of the Massachusetts Bay and Gorges and Mason were referred to the Lords chief Justices. That accordingly they have reported that Mr Mason had no right of Government granted unto him and have excluded out of the northern former bounds of the said Colony a small tract of land in which are 4 small towns under the denomination of Dover, Portsmouth, Exeter and Hampton, with the territories belonging, situate between the northern bounds of the said Colony and the southern bounds of the province of Maine. That the inhabitants of the said four towns have petitioned his Maty to be continued under the govt of the said Company; Ordered that copies of the petition and papers and also petition of Mr Mason and Mr Gorges be delivered to the Committee for Trade and Plantations to examine the matter and the true state of the colony and report to his Maty thereon. (5 f.)

Petition of the Agents of Boston praying grant of the government of the said four plantations or towns. (9 f.)

Four several petitions from the towns before mentd. (12 f.)

Narrative of Mr Randolph touching the evil practices and misdemeanors of the Magistrates of Massachusetts Bay: In this is the following incidental mention of Mason and Gorges, &c.

"That these Boston Magistrates have not only injured their neighbours on the North and East, viz Mr Mason and Mr Gorges, by a forceable extent of grounds drawn from the notion of their imaginary line, but have opprest even the southern colonies of New Plymouth and Connecticut, violently enlarging their bounds upon them as his Matys Commrs formerly in 1665, and lately the Lords Chief Justices, have reported, terrifying these people into a compliance and quiet suffering by their overawing power."

In another place is an allusion to Mr Leveret having turned out His Matys, Justices of the Peace in the Province of Maine. (30 f.)

1678 Janry 15.

Council Chamber.

Letter to the agents of New England concerning Mr. Mason. That the Committee for Trade &c. have received a petition from Mr Mason touching his pretensions in N. England, that their Lordps have ordered copy of the petition to be transmitted to the persons addressed, who are required to deliver a particular answer in writing with all convenient speed. (3 f.)

1678–9 Feb. 4.

Answer of Mr Stoughton and Mr Bulkley, addressed to the Lords of the Committee for Trade, &c.

After recapitulating the proceedings they state that since that time they have received no farther instructions, nor have they any thing in commission on behalf of those in possession of the said lands to answer as to the propriety of the soil, &c. Discuss at some length Mr Masonic claims.

NEW ENGLAND PAPERS, P. T. Vol. 1.

A Journal of the council of trade from the last day of May 1622 to the 21 of June 1623.

1770089

"Saturday the last of May 1622.

As touching ye Governour, Sr Ferdinando Gorges is electèd, the particulars are reserved till another meeting."

"Wednesday ye 27th of Nov. 1622.

Mr Trea'r Sr Samuel Argall assisted by
Sr Ferd. Gorges Capt Chudley.

It is ordered that Bills of Adventure shall be made by Sr Ferd. Gorges Knt, Late Trea'r to the Councell for New England for partnershipp of the new shipp now in building at Whiteby in the County of Yorke, for and to the use of the said Adventurers, which Bills being signed by Sr Ferd. Gorges shall bee sealed by Doctor Barn. Goslie, now Trea'r to ye sd Counsell, vizt.

To ye Duke of Lenox for ye sume of	160£
The Earle of Arundell for ye sume of	160£
The Lord Sheffield	
The Lord Gorges for ye sume of	150£
Sr Ferd. Gorges for ye sume of	160£
Sr Samuell Argall for	180£
Dr Barn. Goslie Trea'r for	150£
Dr Matthew Sutcliffe for	100£
And from Mr Trea'r for	050£
Capt. Robert Gorges for	160£
And that Bills of receipt shall be given unto ye Lord Sheffield for	110£
Mr Abraham Jennings Marcht	110£

for their partnershipps in ye maine land of N. England and not in ye new shipp.

Bills to Mr Trea'r, Sr Samuell Argall and Capt Gorges are this day sealed.

Tuesday ye 3 of December.

Sr Ferd. Gorges is desired to drawe the forme of a letter to be sent into the country with the proclamacons to this purpose that it is not the Council's meaning to stay or hinder any from going to New England in fishing voyages so as they will conforme themselves to such orders as are concluded and agreed on by the Councell and Committee to

Dr Barn. Goslie Trea'r to whom they may repayre at Exon in Devonsh. for their Commissions in that behalfe

Tuesday ye 17th Decr 1622.

Forasmuche as in ye Trea'r's absence divers sums of money are necessary to be disbursed for dispatch for ye affairs of N. England. It is therefore ordered that if Sr Ferd. Gorges or any other of the councell shall disburse any moneys for the publike affaires (in the absense of ye Trea'r) it shall bee paid againe out of ye first money that shall bee paid in by any of the Adventurers provided that ye account be allowed by ye Councell.

Whereas ye Councell are informed by Leo Peddock that Capt Jones who was imployed by ye company of Virginia to fish upon ye coasts of New England, hath this last yeare robbed the natives there of their furres and offered to carry some of them away prisoners, but beeing grounded upon ye sounds neere Cape Codd ye savages escaped and made great exclamacôn against ye present planters of New England, for punishment whereof Sr Ferd. Gorges is desired to signify this abuse by letter from ye Councell to ye Earle of Southton.

Tuesday 28th of Janry 1622.

The Lord Gorges Bill of Adventure is this day sealed and signed by Sr Ferd. Gorges; Friday next is appointed for pusall of ye Book of Accounts and of Sr Ferd. Gorges acco[t] of mŏneys laid out by him in the Trea'rs absence.

* * *

It is ordered that the two Bills of Adventure for Doctor Sutcliffe bee sealed viz[t] for 100£ paid to Sr Ferd. Gorges and 50£ paid to Mr Dr Goslie.

Fryday ye last of Jan. 1622.

A Bill of Adventure to Sr Ferd. Gorges is this day sealed, dat eodem die.

20th Febr., 22.

Whereas it was ordered that Mr Buslerode and his associates should have a lycence to sett forth a shipp for discovery and other employm[ts] in New Englande, the lycense being signed by the Earle of Warwicke, Sr Ferd. Gorges and Sr Saml Argall was this day sealed and a covenant taken from Mr Derby that if the said Mr Buslirode nor any of his associate came not in for a pattentee before the xxvi day of May next, then to pay 13£ 6s 8d for this lycence, whereof 10£ was forthwith paid to the hands of Sr Ferd. Gorges (Sr Ferd. Gorges to acco[t] for

this 10£) for the use of the said Councell and the residue payable on y^e^ 26^th^ of May next: and if y^e^ said M^r^ Buslirode or ony one of his Associates come in for a patentee before y^e^ 26 of May then to pay on that day 50£ and the other 50£ to make up 110£ on y^e^ second day of July then following, as by the Covenant remains in D^r^ Goslies custody appeareth.

Monday y^e^ 5 of May 1623.

A Bill of Adventure was this day sealed with a blank for the date to the Earle of Warwick for 60£ paid to S^r^ Ferd: Gorges, late Tre'ar and 100£ to bee paid to D^r^ Goslie, now Tre'ar.

(N.B.—The above are full extracts as relates to Sir Ferdinando Gorges from the Council Journal.)

1631 Nov. 3.

Grant and confirmation of PASCATAWAY to Sir Ferdinando Gorges and Capt. John Mason and others his associates, viz. John Cotton, Henry Gardner, Geo Griffith, Edwin Guy, Thomas Wannerton, Thomas Eyre and Elizer Eyer. (33 f.)

1633 Dec. 6.

Minute of the division of Pascataway at a meeting held this day, present,

S^r^ Ferdinando Gorges Kn^t^
Cap^t^ John Mason for himselfs and M^r^ J^no^ Cotton
M^r^ Henry Gardner
M^r^ George Griffith
Thomas Eyer for Tho. Wannerton and Eliezer Eyre.

Agreed to remain in common until a division be hereafter made, Pascattaway house and the house at Strawberry bank and all the islands and sletts within the river of Pascattaway, with all the land on the S. W. side of the river which is ment^d^ in the Patent, also the Isle of shoals and the house at Newichewanock with the land thereunto belonging.

Touching the N. W. side of the river from the outermost point upon the sea coast to the extent of 30 miles up into the main land, by mutual consent the following division is agreed to—

"To Sir Ferdinando Gorges, Knight, three miles beginning at the outermost point in the sea where the Patent of y^e^ said syde of land beginneth up the river."

To M^r^ H. Gardner 3¾ miles, beginning where S^r^ F^r^ Gorges land ends and so up the aforesaid river.

To Messrs Griffith Wannerton and Eliezer Eyer eight miles, beginning where Mr Gardner's ends and so up within a ¼ of a mile to the lowermost falls next to Newichewanock house.

To Capt Mason for himself and Mr John Cotton, to begin a ¼ of a mile below the said lowermost fall and so up along Newichewanock River to the end of the Patent (about 15¼ miles) being almost four miles more than his proportion which is allowed him as he is so far distant from the sea and for the convenience of landing boats below the said falls.

If there should be any come short of having his due division of lands, it is to be rectified in the next partition of undivided lands.

The division of the swine as follows—

To Sr Ferdinando Gorges Knt	4 Sowes.
To Capt Mason	14 "
To &c. &c.	(6 f.)

1634 Feb. 4.

Minute of the division of New England at the Council of Trade and Plantations met this day at Lord Gorges house.

The Lord Gorges proportion of land. "To begin at the middle of the West entrance of the Naragansetts and so along the coast eastwards to Cape Cod and round about the same keeping on northeastwards to Namekecke which is on the east side of the Bay of the Massachusetts, and from thence N. E. into the land 60 miles. Also from the west mouth or entrance of the Naragansetts continuing up the Western arm of the same to the head thereof and from thence into the land Northwestwards till 60 miles be finished from the first entrance, from wch period to cross over land to the threescore mile end accounted West from Namekecke as aforesaid, and hereunto is to be added 10,000 acres on the East part of Sagadahocke.

Signed amongst others by Sr Ferd. Gorges and Capt. Mason. (5 f.)

Memorial of the Adventurers in N. England (amongst whom are Sir Ferd. Gorges and Capt. John Mason) for surrendering the Genl Patent. (3 f.)

An allotment of Capt. Mason's part by the Adventurers in N. England. (7 f.)

[This is a duplicate of a paper at p. 57. of the same volume.]

1635 Apr 25 Whitehall.

Meeting at the Earl of Carlisle's Chamber this day.

A declaration of the Council of N. England for the resignation of the great Charter and the reasons moving them thereunto.

Also,

1635 May 1

Petition to His Majty of Edw Lord Gorges, President of the Council of N. England, in the name of himself and divers Lords and others of the said Council.

also*

1635 June 7

The Act of surrender of the great Charter of N. E. to his Majty . . . (27 f.)

[By an endorsement it appears that the above were received from Mason 10 Sept. 1675.]

1637 Janr 23

Brief of the patent for the province of Maine. (15 f.)

1639 Sept. 3

Copy of a commission and ordinances sent by Sr Ferdinando Gorges Knt unto his province of Maine by virtue of his Matys letters patents formerly expressed.

Attached is a memor stating that by commission under his hand and seal, dated 10th of March 1639, the ordinances lastly expressed were renewed and sent into the province of Maine with a copy of his Letters Patent thereunto annexed, which commission and ordinances were in the same words as these lastly mentioned were, except the additions and alterations hereafter expressed.

1. Whereas Sir Thomas Jocelyn Kt was named chief in the said Commission and ordinances, and he being now returned to England and left out of the Commission, Sir Ferdinando's cousin Thomas Gorges is put in his room with the same powers, &c.
2. For the better expedition of suits and causes before his Council he (Sir F. G.) has appointed the said Thomas Gorges Secretary of the said Council, and has delivered to him a seal for the

*) This "Act of Surrender" commences as follows:

"To all Christian people to whome this present writing shall come The president and Councill established at Plymouth in the County of Devon for the planting, ruling and governing of New England in America send greeting in our Lord God everlasting. Whereas our late soveraigne Lord King James of ever blessed memory by his highness lres pattents under the greate seale of England bearing date at Westmr the third day of Novr. in the eighteenth yeare of his Ma'tys raigne of England, &c. &c. &c."

sealing of all processes and warrants and which may issue from the said Council without which seal none are to be valid, &c.

At the same time was sent over a letter of Attorney to the said Thomas Gorges appointg him to be the lawful Attorney of Sir Ferdinando within the province of Maine with certain powers and authority specified at length.— (45 f.)

1658 June 11th

Order addressed to the Marshal of the County of York requiring him to summon the inhabitants of certain places which are denominated, that they may submit themselves to the same jurisdiction and obedience as others in the County of Yorkshire at the next County Court to be holden at the town of York. (7 f.)

The above paper is endorsed "Declaration of the Massachusetts concerning the province of Maine."

1653 July 6th

Paper endorsed "Declaration of ye Massachusetts concerning Wells, Cape Porpus, Saco, &c." (3 f.)

1658 May 20th

Proclamation of the Court at Boston against JOHN BONITHON, (who has been guilty of outrageous behaviour and treated the authorities contemptuously,) giving him until the 1st of Septr next to surrender himself: after which time any one bringing him to Boston, alive or dead, will receive 20 . . . . (7 f.)

The result of an agitation at a meeting holden at Wells the 27th of December (61) by the Trustees of Ferdinando Gorges Esqr. according to comission under his hand and seale; bearing date the 23rd of May, the 13th of his Majtys reign Ao Da 1661.

To the 1st Article it is agreed, to proclaim King Chas 2nd throughout the province of Maine in certain specified divisions and after a form which is recited.

To the 2nd it is resolved to use all diligence in searching after arrears of rent such as shall be found due.

Each town within the province hereby has the power to elect one trustee from among themselves to contrive and make such ordinances as shall be thought meet for the well governing of the province, also the general clerks of the writs formerly chosen by the freeholders in each town to have hereby power to grant attachments in the name of the King and under the authority of Ferdinand Gorges.

To the 3rd Resolved that notice shall be given to the province that the Commissioners underwritten have taken into their hands all the

rentals and properties of Ferd. Gorges, Esq., to keep the same for his use and that there be no farther intrusion on his rights. Steps also to be taken for procuring the custody of all court rolls, books and other writings for his use.

To the 4th a public assertion of the rights of the proprietor to be made and the same to be signified with all speed to the Massachusetts by letter.

To the 5th and 6th resolved in the affirmative.

Resolved to maintain to the utmost the rights and priviledges belonging both to the proprietor as well as to the freeholders of the province.

The laws of England to be a rule of direction until further order be taken.

All civil and military authorities to continue in the exercise of their present powers until further order be taken.

Resolved in case of any sudden emergency that Major Nicolas Shapley be empowered to muster order and command the militia, &c. The form of a Commissioner's oath at length—Robert Waymouth and some others of his company dying intestate Major Nicolas Shapley is to administer unto the goods of the same, &c. Commission being directed to the undersigned from Ferd. Gorges, Esq., with the renewed patent of the province of Maine, the original whereof cannot at present be published, intimation is hereby given that Henry Jocelyn, Esq., and Mr Robert Jordan are appointed Commissioners with full power to act and do in all matters contained in the said Charter and instructions.

Power of administration granted to Mr Robt Jordan upon the estate of Mr Rd Leader deceased, being bound to deliver up the said Estate to his successors, &c. &c.

Signed Francis Champernoun, Henry Jocelyn, Nicolas Shapley and Robert Jordan, &c. (22 f.)

1661–2 Mar. 11.

Warrant addressed to the Marshal of the province of Maine or his deputy.

Instructions that in his Majtys name and by authority of Ferdinando Gorges, Esq., he is to demand and make seizure of all Roll books, Records and public writings concerning any act or acts done within the province. These having been withheld to the great destruction of mutual rights and the proper administration of justice are to be demanded of Mr Edward Rishworth, Mr Michaell, Mr Godfrey or ye exe-

cutors of Roger Gard, Mr George Cleves, Mr Richard Tucker, Mr Francis Neale or any others. The same persons also are to be caused to appear before the next magistrate to take oath that they are the true and entire documents held by them to be sealed and delivered to Capt. Francis Champernoone and further to be produced, opened, and examined at the next general Court.

Signed Francis Champernoone, J. q.
Henry Jocelyn, Jus. quo.
Robt Jordan Commissioner.
Nic. Shapleigh.

A memorandum annexed states

1661–2 Mar. 21

that he (Nathaniel Masterson) has seized upon all the writings and Records in Mr Rushworth's hands and delivered them to Mr Champernoone another.

1662 May 15.

All the writings &c. that he can hear of he has received and delivered to Mr Francis Champernoone according to the warrant. (6 f.)

1661–2 Jan. 30.

Warrant signed H. Jocelyn and Robt Jordan.

To summon the freeholders to assemble at a convenient time and place between that date and the 31st of March next ensuing to vote one of their best and ablest men to act in their behalf in the affairs of the province, to appear at Wells together with the votes sent under yr firm on the 25th of May next. (2 f.)

1661–2 Jan. 30.

Warrant signed H. Jocelyn and Robt Jordan instructing notice to be given to the several inhabitants to produce by themselves or proxies at the genl Court on the 25th of May to be holden at Wells all deeds, conveyances and other legal documents by which they claim pretension to lands or liberties within the province extending from Pascataway River to the River of Sagadahock, along the Coast and so to the head of Kenebeck and 120 miles into the "Maine land." (2 f.)

1662 27th Wells.

Reply of Will. Phillips speaker on behalf of the deputies (Richard Nason alone dissenting thereunto) to —— —— ——

Their worships having desired their concurrence in compliance and subjection to the authority declared to be from Ferdinando Gorges, Esq. Their answer is, that taking into consideration their present position as their subscriptions and oaths have bound them to the Massachusetts authority, they conceive it most agreeable to reason and the safety of the country to "equesse" * under the said authority till a seasonable opportunity of trial occur to the gentlemen of the Massachusetts and their worships before his Ma^ty, &c. &c. (2 f.)

1662 May 27th Wells.

Paper signed Francis Neale, Secretary, commencing as follows: "Resolved by the Trustees of Ferdin. Gorges, Esq., and Lord proprietor of this province of Maine, by authoritie derived to him from his sacred Majestie of blessed memorie being now in session, That wee neither doe nor may by any meanes approve, consent to or pass into an act the motion * * * of this presence as being destructive and averse to y^e libertees of y^e freeholders of this province and against y^e honour, properties and rights of our Lord, &c. &c.

At foot is the following note—

"The house desireth to know whether you have any further motions or bills to present unto them, as likewise according to y^r promise a list of y^r deputies names.

Francis Neale, Secretarie."

(3 f.)

1662 May 21 Wells.

Names of the Trustees.

Leeften^t 1 Will^m Phillips, Speaker.
2 M^r George Munjoy.
3 M^r Edward Rishworth.
4 Humphry Chadborn.
5 Richard Nayson.
6 M^r Will. Symonds.
7 John Sanders.
8 Arthur Auger.
9 Christopher Lawson.
10 Tho. Haynes.
11 Walter Matthewes.

In relation to what you sent us we have nothing to say.

Will. Phillips, Speaker.

Vera copia Francis Neale, Secretarie.

* Acquiesce.

1662 May 26. Wells.

Document signed Daniel Denison, Will. Hathorne and Richard Waldron, addressed to Mr Henry Jocelyn, Major Nicolas Shapleigh, and Mr Robt Jordan. The undersigned are sent by the Genl Court of the Massachusetts to enquire into and demand by what authority they have summoned the present assembly at Wells and exercised authority over the people of Yorkshire, who have acknowledged themselves subject to and are bound by oath to the govt aforesaid. (2 f.)

1662 May 26.

Wells apud Curiam.

Reply to the foregoing communication signed by Jocelyn, Shapley and Jordan, to the effect they will give the foresaid Genl Court all civil and Christian return when it shall appear then so doing to be in their names. (1 f.)

1662 May 26. Wells.

Another letter signed Daniel Denison and the two others addressed to Jocelyn and the others. If the paper they have recd is properly understood, satisfaction as to their authority and commission from the Genl Court is required, if some meet way be propounded, the same may be communicated; the trouble might have been spared had their message by Lieutenant Davis found acceptance. (2 f.)

1662 May 27. Wells.

Letter to Daniel Denison and the others by (not signed.)

According to the tenor of their first paper they desire a sight of their commission and permission for their Clerk (the present bearer) to take a copy. (1 f.)

1662 May 27. Wells.

Letter signed Daniel Denison and the others directed to

Find their time consumed in fruitless and insignificant papers. To the last they signified by messenger their readiness to show their commission, although they are not convinced of any necessity to afford a copy. Have acquitted themselves of the first part of their message, which, had it been satisfactorily answered, would have spared the delivery of the second portion, viz: that in the name and behalf of the general Court of the Massachusetts they do protest against the late actings as injurious to the authority of that Court and tending to the disturbance of the inhabitants of Yorkshire, and do hereby in his Matys name require them to return to their subjection and obedience to the Court of the Massachusetts according to the articles subscribed at Kitterie, York, Wells and Sparwinck, and that they forthwith dissolve the assembly convened by them, &c. &c. (4 f.)

1662 May 27.

Protest of the Commissioners of Ferd. Gorges Esq. against any arbitrary proceedings not immediately derived from his Ma^ty, tending to the breach of the peace of the province and addressed to Major Daniel Denison and the others. (2 f.)

1662 May 27.

Denison and other Commissioners of the Massachusetts, addressed to Henry Jocelyn, Francis Champernoun and others. Beseech them to remember their oath to the authority of the Massachusetts immediately derived from King Charles I. by Charter A° 1628.—Are not frightened by any commission from Ferd° Gorges, resting confident in the justice of His Ma^ty (against all pretenders whatsoever) in whose definitive judgment they will acquiesce, cannot acknowledge M^r Gorges' Commissioners, &c. (4 f.)

1662 May 28.

Paper of agreement signed Dan^l Denison and the others.

After the foregoing passages upon conference with M^r Jocelyn, Major Shapley and the other gentlemen who continued to assert M^r Gorges' interest in the County of York, it was agreed that M^r H. Jocelyn, Major Shapley, Cap^t Waldron and Cap^t Pike should keep a Court at York on the first Tuesday in July next to determine all causes civil and criminal, and that the Records be transferred to York and delivered to M^r Rishworth, who shall be ready to return the same at the said Court into the hands of the then Recorder. Agreed also to a certain form in which the clerks of the writs are to issue process. (3 f.)

1662 May 27. Wells.

Summons addressed to the inhabitants of York and signed Dan^l Denison and others, requiring them to appear before them at a General Court of the Massachusetts assembled at the house of Francis Littlefield in Wells on the 27^th inst at three o.cl. to receive such orders and directions as shall then be communicated. (2 f.)

1662 May 27.

Instructions signed Denison and the others to Nath. Masterson, Marshal of the County of York, requiring him to publish the warrant above written to as many of the inhabitants of Yorkshire as the time will permit, &c. (1 f.)

1662 July 6.

Memorandum that on this 6th day of July 1662 it was resolved that Francis Neale Esq. Secretary, should with the assistance of Mr Robt Jordan draw up true copies of all "such Acts and Interactions" as have passed from the first day of Ferdinando Gorges asserting his right to the province of Maine after the 8th of Augt (12 Chas 2) to this present time. And before they are transmitted to Ferd. Gorges Esq. they are to be submitted to Henry Jocelyn for his approval and subscription.

Added to the above is

A note by Francis Neale, that on the 9th of July in pursuance of the foregoing he demanded of Mr E. Richworth his assistance in reference to the records which are in his custody, to which he answered

That Mr Jocelyn and Major Shapleigh gave him no order in relation to any such concernment, nor did he receive order from Capt. Pike or Capt. Waldron, when assembled in the last Court at York, of any such command, is not willing therefore to deliver any such records. (4 f.)

1662 July.

Requirements made by Robert Jordan, Commissioner, at an assembly at Acomenticus, otherwise unduely called York in the province of Maine, the last of which commences as follows:

"I doe requier that noe person or persons be allowed or permitted to act or doe justice who is nott learned in ye lawes, who [is] nott a resident in this province of Maine, who hath not taken ye oath of supremacie &c." (5 f.)

1635 Feb. 3.

Paper touching the division of lands on the sea coasts among the patentees or adventurers of New England, extract from which as regards John Mason and Sr Ferdinando Gorges is as follows:

Iso Mason. To begin at the middle of Naumkeek River and from thence to proceed eastwards alongst the sea coast to Cape Anne and round about the same into Pascataway harbour, and soe forwards up within the River of Newichawanock and to the furthest head of the said river, and from thence northwestwards till sixty miles be finished from the first entrance of Pascataway harbor; also from Naumkeck through the river thereof up into the land west sixty miles, from which period to cross over land to the sixty miles end accompted from Pascataway through Newichawanock, and hereunto is to belong the south half of the isles of Shoals and 10,000 acres on the south east part of Sagadahock at the mouth or entrance thereof.

Sr Ferdinando Gorges. To begin at the middle of the entrance of Pascataway and soe to pass up the same into the river of Newichawanock and through the same into the furthest head therof, and from thence northwestward till sixty miles be finished, also from Pascataway river aforesaid Northeastwards alongst the sea coast to Sagadahock and up the River thereof to Kenebeck river, and through the same into the head therof, and into the land Northwestward untill sixty miles be ended, being accounted from the mouth of Sagadahock and from the period of sixty miles aforesaid to cross over land to the 60 miles end formerly reckoned up into the land from Pascataway harbor through Newichewanock river, and hereunto is to be added the North half of the isles of Shoales and also the isles of Capawock and Nautican neer unto Cape Codd.

1651 July 4th Pascataway.

Protest by Joseph Mason for Mrs Ann Mason, widow, against the proceedings of Mr Richard Leader upon her lands at Newichawannock and his buildings there, which had been made without consent or authority. (4 f.)

1652 Oct. 28.

Commission addressed to Mr Simon Bradstreet, Samuel Simonds, Capt Tho. Wiggin, Major Daniell Denyson, Capt Will. Hathorne and Mr Brian Pendleton, chosen by the Court to settle the civil governmt amongst the inhabitants of Kittery and the Isle of Shoals, signed Edward Rawson, Secretary. (6 f.)

1653 May 6.

Copy of Mr Joseph Mason's petition to the Genl Court at Boston against their proceedings at Strawberry Bank. Divers intrusions and incroachments made by the inhabitants of Strawberry Bank upon the lands lying at Pascataway confirmed under the broad seal of England to Captain John Mason and Sr Ferdinando Gorges . . so that now their houses are decayed, the fort in ruins and the guns excepting one piece of ordnance carried away. All which were erected and provided at a cost of many thousand pounds by the said Gorges and Mason. As the agent of Anne Mason, widow of Capt John Mason decd prays for relief and requests a commission may be appointed to take into consideration the damages and wrongs aforesaid, (10 f.)

1652 July 29. Salem.

A copy of a letter from M^r^ Jo^n^ Endicott (Gov^r^ in chief at Boston) to M^rs^ Mason.

Acknowledges her letter touching her claim and has done what he can in the affair. The Court have not arrived at any issue, having deferred the hearing. There appears a want of legal evidence, she having sent over but a part of her husband's will, recommends her sending over the whole sufficiently attested and letting M^r^ Joseph Mason have a proper letter of attorney. There are other defects which have obstructed the proceedings, these M^r^ Joseph Mason, who has been a most faithful representative in her case, can set right. Assures her of his disposition to serve her in any way.

A Postscript urges her to take a little advice of some good attorney.

(4 f.)

1652 Nov. 10.

Privileges granted the town of Kittery in the province of Maine by the Comm^rs^ of the Massachusetts, subscribed Simon Brodstreet, Thomas Wiggin, Sam^l^ Symonds, Bryan Pendleton. The town of Kittrey having acknowledged itself subject to the government of the Massachusetts for the settling of governm^t^ among them and the said Comm^rs^ have thought fit to grant, viz.

That the whole tract of land beyond the river of Pascataway northerly together with the isle of Shoals, shall be henceforth known by the name of Yorkshire.

opposes this clause 46
2 - p. 46

The people there dwelling to enjoy equal privileges with those on the south side of the river of Pascataway, &c.

Kittrey to remain a Township and enjoy the privileges of a Town, &c.

To enjoy the same bounds as have formerly been granted according to survey.

Each town and its inhabitants to enjoy all their rights, titles and vested interests in their houses and lands, which they possess from former grants, &c.

The town of Kittrey to send one Deputy to the Court of Election and two Deputies to each court if they see fit.

The present inhabitants of Kittrey to be freemen of the Country with liberty to vote for the Election of the governor and other officers.

The County of York to have County Courts in convenient places within itself.

Every township to have three men appointed by the County Court to end small causes, &c.

The shire may have three associates to assist such Commissioners as the Massachusetts shall send and such Magistrates as may come among them.

The whole county of York shall not be drawn unto any ordinary general training out of their county without their consent.

The inhabitants of Kittrey to have the same privileges that Dover had upon coming under the government.

All such as subscribe voluntarily before the ending of this court shall have the privilege of indemnity, &c. &c.

Certain debts and imposts being due to the inhabitants of Kittrey and Acomenticus and some debts being due from them to particular persons for public occasions, it is agreed that Mr Nicholas Shapleigh shall collect the monies due and pay the said debts, rendering an accompt within one month to the Commissioners, &c.

[There are two copies of this document. The older one has an addition to this effect, viz.:]

That some of the above articles have been infringed.

1stly That the whole tract of land &c. &c. is to be henceforth called by the name of Yorkshire. Now a new country to the northeast beyond the extent of the Province of Maine, called first Masonia, then the Duke's province, and now by the Massachusetts, Devonshire. And the Isle or isles of shoals rent from Yorkshire and added to the County of Portsmouth and Dover in New Hampshire.

7thly That all the present inhabitants of Kittrey shall be freemen, &c. &c. Now several that have formerly taken the said oath (for conscience sake dissenting in opinion) are since disfranchised and thereby incapacitated of bearing any office and do so continue. (12 f.)

165.. Novr 6. Province of Mayne.

Letter signed Edward Godfrey in the name and by the order of the General Court addressed to—.

Alludes to a combination for governmt entered into, as by a remonstrance and petition to the persons addressed of December last 1651 does more at large appear.

Since which time have paid obedience to sundry Acts of Parliament, declaring the Islands and plantations of America to be subordinate to the Commonwealth of England.

Conceiving themselves members of the said Commonwealth consider themselves in duty bound to render an accompt of all their proceedings as well as proceedings of their neighbours the Massachusetts towards them, who have laid claim to their Government and propriety, notwith-

standing quiet possession has been had for these twenty years past, which fact is not disowned by them, their bounds as set out by the State of England being three miles this side of Merrimack river, which comes far short of this province, several other patents lying between, &c. Desire therefore their honours to give audience to Mr Richard Leader, whom they have empowered to transact their affairs, &c. (6 f.)

[This paper is damaged and decayed on one side.]

13 Car. II. 29. Apr.

Orders and proceedings of the Council for Foreign plantations.

"Dies Lunae XXIX die Aprilis.

Ordered that Mr Ferdinando Gorges' petition and that of Mr De Caseres and others, both referred to this Counsell by his Maty, be taken into consideracon this day fortnight."

* * *

Dies Lunae XIII May.

Mr Ferdinando Gorges' petition (formerly referred to this Counsell by his Maty) being this day read. It is ordered that my Lord of Marlborough, my Lord of Portland, my Lord D'Acre, my Lord Berkeley, Mr Boyle, Mr Willoughbie, Sr Peter Leere, Sr John Mennes, Sr John Colliton, Coll. Venables, Mr Pym, Mr Povey, Mr Glascock, Mr Kendall and Mr Coll. Middleton, or any three of them, be appointed a committee to consider of the same and of the severall patents concerning the province of Mayne in New England, and to receive all examinacons and testimonies concerning the severall rights thereunto belonging, and report the same together with their opinions to this Counsell on Monday next. The said Committee in the meane time to meete (for the purpose aforesaid) at the Inner Court of Wards on Friday next at nyne of the Clock in the morning and to adjourne as they shall see cause.

* * *

Dies Lunae XX May.

The Committee for that purpose appointed referred their further proceeding upon Mr Gorges petition till Monday next at two of the clock in the afternoone in the Inner Court of Wards.

Report of the Council of Plantations touching divers complaints, petitions and other informations concerning New England.

It thus alludes to Maine:

"This Council hath also heard diverse complaints from Edward Godfrey, Robert Mason and others, urging yt ye Massachusetts have unlawfully invaded ye province of Maine and ye province of Hampshire."

(10 f.)

Petition of Ferdinando Gorges, Esq.

To the Kinges most excellent Ma^tie, The humble petition of Ferdinando Gorges Esq. sonne and heire of Sir Ferdinando Gorges Kn^t deceased. April 1661.

Most humbly sheweth—

That the said Ferdinando Gorges yo^r petitioner's Grandfather, being divers yeares since chiefly instrumentall in discovering and reduceing of New England in America to the obedience and governm^t of the lawes of this kingdome, and having spent many yeares time and vast sumes of money therein whereby he exhausted the greatest part of his fortune, and the same being thereby brought to some perfection and hopes of advantage yo^r Ma^ty's late Royall father of ever blessed memory in the XV^th yeare of his raigne was graciously pleased to graunt unto the said S^r Ferdinando Gorges yo^r petitioners said grandfather, his heires and assignes for ever, a patent of a considerable part thereof called the Province of Mayne, the same conteyning every way 120 miles w^th very many large privileges and immunities as in and by the said patent under the great seale ready to be produced it doth and may at large appeare. Long before and since w^ch said graunt yo^r petitioners grandfather at his very great charge hath sent over severall persons as his deputies to governe the said place.

That certaine English inhabitants in New England called the Mathethewsits takeing advantage of the late rebellion have dureing w^ch time yo^r peticoner dust not assert his right to the said premisses without any colour of right encroacht upon all or upon the greatest part of the said premisses discended into yo^r peticoner from his grandfather as aforesaid, and that severall other persons who in trueth at most were but Tenants under some yearely rent and other services unto some small and inconsiderable part of the said premisses under yo^r peticoners grandfather, doe now clayme the same as Lords and proprietors thereof whereby yo^r peticoners grandfather's vast expenses aforesaid are like to be utterly lost and his patent (w^ch was the greatest patrimony that y peticoners grandfather left him) wilbe rendered unprofitable to him without yo^r Ma^tes most gracous help and assistance.

Yo^r peticoner therefore humbly prayes yo^r Ma^tie to take this matter into yo^r most gracous consideracon, the same being of very greate concernem^t unto this yo^r Kingdome of England, or els that yo^r Ma^tie would be pleased to referre the consideracon thereof to yo^r counsell for forraigne plantacons to examine the whole matter

and yo^{r} peticoners title thereunto and to certifie yo^{r} Ma^{tie} the trueth of the premisses.

And yo^{r} petitioner as in duetie bound shall ever pray for your Ma^{ties} long and prosperous voyage.

At the Court at Whitehall the 4th of April 1661.

His Ma^{tie} is gracously pleased to referre this peticon to the Councell for forreigne plantations, who upon due consideracon and examinacon had of the Pet^{rs} title to the premisses and what is by him alleadged, are to certifie his Ma^{tie} how they finde the Pet^{rs} case to stand, together wth their opinions what is fitt to be done thereupon for his just reliefe. And then his Ma^{tie} will declare his farther pleasure.

Edw. Nicholas.

1660 Mar. 14.

Letter and information of M^{r} Edward Godfrey, sometime governor of the Province of Maine, concerning the consequence of that Province and the usurpation of the Bostoners.

Explaining Cap^{t} Jo. Leveret's not appearing as agent for the Massachusetts, &c. &c.

Alludes to the faithful services of himself for twenty five years past until ejected by the Massachusetts, and speaks of his only son's loss of time and charges in transporting his wife and family here, where they now remain; he then continues as follows—

"*I ever tould you that Pascattowaie River and the p'vince of Maine is of more consarnement to his Ma^{ie} for trade present and futuer wth discovery of the Countery then all New England besides, and other reasons as by the mappes may appeer, wheather it bee not fitting yf a generall gov^{r} should goe the jurisdiction of thos Estern p^{ts} may not bee regulated by comition as form^{d}ly thirty yeares wthout complaint ther or heer nor neaver questioned tell* 1652. *Boston would bee a free stat and sunddry pattentes.*

1 The distance ny 80 myles dangerus by sea and in the wynter not pregnable for divers reasons, as snow wading, &c.

2 It will discurridg any publique sperited men to undertake the like action, being roume for many 1000 famylies, after 30 yeares to bee debarred of their p^{r}viledges.

3 His Ma^{te} will have more power over booth, the one to bee instrumentall to keepe the other in its dew obedience.

4 It will cause an emulation who shall give the best acc^{o} of the actions to the supreme power on w^{ch} all pattentes depend.

5 Some of the Pattentes have ther Relation heer and for extracting long experience in the Countery equall wth any in Boston and have ever

...ed for his Ma^tes interest, have pattents com^rs form'ly, and now living ... Capt Henery Josseline, Capt Francis Champenone, M^r Tho. Jourdan, ... orthodox devine for the Church of England and of great pts and estate, M^r Jo. Geffard, goeth this yeare M^r Joseph Mason ther for Ed. Godfrey hee is to ould to acte, yet Oliver Godfrey his sonne and grandchild being well versed in the Countery yf com'ded will w^th the p'sidentes of Ed. Godfrey assist to the uttermost ther life and power. Excuse my boldnes being y^r ever obliged servant to bee com'ded

Ed. Godfrey.

14 M'ch '60.

(Portion of the address is torn away, the remainder is)

For the Rig. . . . . .

Thomas . . . . . .

(10 f.)

1661 Feb.

Report to the King signed Rob^t Mason, Jn^o Exton, G. Sweet, Will. Turner, S^r Rich^d Ford (D^rs of Lawes) to the following purport.

That having, according to his Ma^tys^ reference upon the petition of Robert Mason of the province of New Hampshire and Edw^d Godfrey, late gov^r of the province of Maine, heard the petition and summoned all interested therein (to which none appeared except Capt. John Leveret who acknowledged that he formerly was commissioned agent of the Boston people, but now had no authority to act in their behalf) they find that John Mason, Esq., grandfather of one of the petitioners, had several grants of land from K. James, expending much money in settling plantations, &c.

That Edward Godfrey hath lived there for many years and discharged the office of governor with the utmost integrity; that moreover he hath been turned out of his place as Gov^r and evicted from his lands and estates, which the Massachusetts still detain from him to his great damage.

That about thirty years ago a house as a boundary was erected by the governors of the Massachusetts dividing the Colony from N. Hampshire. With this division they were contented until 1652, when they enlarged their bounds above eighty miles beyond their settled limits, encroaching upon the inheritance of petitioners, who by menaces and force of arms were compelled to submit.—The Massachusetts have besides for many years past endeavoured to erect themselves into a free colony or commonwealth independent of England, and rather than

submit to a gov^{r} from thence, have asserted that they will sell the Colony to the King of Spain.

It appears by examination of witnesses that Rob^{t} Mason has suffered in his estate and plantation to the extent of £15,000.

All this they report to His Ma^{ty}, not presuming to hazard an opinion in a business of such importance wherein public interest and His Ma^{tys} government are so intermingled with the private interests of petitioners.

With a mem^{dm} that the original was delivered to Sir Will^{m} Morrice, one of the Secretaries of State. (9 f.)

1663 Apr. 7. Ludgate (London).

Letter from M^{r} GODFREY to M^{r} POVEY (one of His Maj^{s} Council for Foreign Plantations).

Sir,

I have form'ly wrot yo^{e} a breefe discription of the p'vince of Mayne how it standeth att p'sent, know y^{t} Columbus offered the discovery of the West India to Henery the 7th; yo^{u} ar att present offered a tracte of lande all reddy discovered and in pt. populated wth Inglish w^{ch} for futuer and discovery is of more consarnement then any pt. of America as yet setteled on by the English, and that yo^{u} may have p'sent p'fit, wthout 1^{d} charges; honor and good to yo^{r} selves wth yo^{u} and my Lord Roberts sonne M^{r} Hender, glory to God, good to his Ma^{tie}, benyfit to yo^{r} selves and good to the whole countery. Send but for Gorges to M^{r} Francis Lutterells att Grase In and taulke wth him yo^{u} will fynd him a man not capable of such a great busines to bee the undoing of soe many loyall subjects and suffer thos ptes of the w^{ch} till 1652 had ever lived according to his Ma^{ti} lawes as by the report yo^{u} know and y^{r} hand testifieth but now is mad a recepticle of thos of Heugh Peeter Vane: Vener: Baker: Potter, who to avoyd ther p'cipies fly theether (con sacer in sacro) for shelter and keep us loyall subjects out of our inheritance after thirty yeares possession soe deerly bought, now in great mysery except God rayes freunds. I humblie desyer yo^{u} to taulke wth mylord Roberts sonne M^{r} Hender and that I may know y^{r} resolution, though Gorges grandes have plundered my house in New England and possessed themselves of most of my collections, records, p'sidents and paps of fifty five yeares travell, I have sufficient heer to guid a right course and settell thos pts as form'ly to any reasonable man and that wthout 1^{d} charges but p'sent p'fitt to the undertakers, I humbly crave two words in answer and rest

Yo^{r} sarvant to bee com'ded

Edward Godfrey.

Ludgat, adi 7 Aprill 63.

(Postscript)

Att the closing heerof nuse is brought mee that one Mr Nicoles belonging to the Duke of Yorke is to goe for New England wch yf yos may informe him of me I have all passages of forty yeares in that countery will serve him and you what is needful. E. Godfrey.

(Addressed) For the right worship

Thomas Povey thes p'sent.

1663 June 25. Cambridge. (N. E.)

Letter of Daniel Gookin to Ferdinando Gorges, Esq.

From Mr Gookin to Mr Gorges abt selling ye province of Maine to ye Massachtts. p. 62

Sr

Though I am a stranger unto you in person yet tis not improbable that you have heard of my name, because my father who bore the same name was intimatly aquainted with your honoured p'decessor Sr Ferdenando Gorges, and was interested with him in his New England affaires, as some writeings concerning that matter under Sr Ferdenandos hand and seale in my possession do evince, and tis like the same may be wth your selfe. 51

The providence of God having sett the bounds of my habitation in New England where I have resided neare twenty yeares and a good part of that time imployd in publiqe affaires and so have had mo.. opertunity to understand some things relating to your selfe in your claime to the province of Mayne, as also the claime made to the same by the jurisdiction of Massacusetts, and now things grow up to a greater diference then formerly betwene them and you: being studious of peace and unity in waies of righteousnes among the English in this wildernes I have p'sumed to set before you a few considerations touching this affaire wherein my desires is to intend yor honnor and benefitt as well as the publiqe good before hinted. Sr t'is not unknowne to you (I conceve) how the body of the people in that province several years since (being wearied with annarchy among themselves) made their earnest application unto the jurisdiction of the Bay for protection and government and accordingly were accepted upon articles, submiting and swearing fidelity to the same, which agreement was to continue inviolable untill the supreame power in England did release them, after wch time the extent of the line of the Massacus . . . pattent to the N. E. (never before stated) did according to the judgment of good artists therin im- 1643 - 1653 68

ployd take in the greatest part if not all yo^{r} province, under w^{ch} setlement those parts have remained in a quiet posture for sundry yeares, but of late they have been interupted upon p'tence of commission for your selfe, the consequences whereof hath tended much to the disturbance of the peace and good government of that place and I beleve hath brought but litle profitt to your selfes, for the body of the people in consience to their oath and articles still adhere to the gov'ment of the Bay and frequently make their adreses to it for protection and justice, and yo^{rs} doe not appear to have strength and intrest enough to compose and satisfy them. The jurisdiction of Massacusetts have not been forward to enter into a contest wth you in this matter, finding it dificult to rule wel a remote and divided people; but the frequent solicitations of the people in that province urging a performance of covenant hath put them upon endevors to p'serve peace and order among them and suprese the contrary. And for that end commissioners have been once and againe sent and compositions made wth yours, But p'sently againe broken by some among them upon p'tence of yo^{r} authority so that now it is probable you will heare, and y^{t} wth great agravations, that Mr Jordan is secured, the only end wherof is to p'serve publique peace, for some men there are in the world who are impatient of any power that will bridle their lusts and disorders. This being the state of that affayre I pray Sir, consider whether it be not advisable for you not too readily to entertaine prejudice from those mens information nor yet countenance them in their actings which I assure you are neither for your honour nor profit, but to consult whether it be not more for your interest to make some honourable composition with the jurisdiction of Massacusetts for yo^{r} claime which I beeleve they wil comply withall rather than ingage in a contest with you; and will not this more conduce to you^{r} advantage then a continual exhasting (what you can rationaly expect from them if not more) for the suport of Government there besides the hasard and discouragement of the more sober and industrious part of the people to desert the place, which they are ready to do as I heare if thinges remaine as they are; as for yo^{r} propriety in any lands possesed and improved you may still reteyne yem if you please, I beleve if you did make som..... * in a letter or imploy some person to deale in it you may hav..... ble... some of mony paid you for your claime. S^{r} I desire you will seriously consider what is here p'sented which you may bee assured is from one that wishes your best good, so desiring the Lord God to direct you herein that you may doe that which is most for

* Torn away with the seal.

Mr. Robert Jordan "was" a prisoner at Boston" in July 1663. Mass. Col. Rec. IV.

his glory and yo^{r} best good craveing excuse for my boldnes with the presentment of my respects and service I remaine

Sir,

Yours to honour and serve you

Daniel Gookin.

Cambridge in New England, June 25th 1663.

Petition of the inhabitants of Portsmouth, Strawberry bank, Dover, Exeter, and Hampton, praying to be freed from the jurisdiction of the Massachusetts, bearing the following signatures:

Fran. Champernowne.
Edward Hilton
Abra. Corbett
John Folsham
Marke Hunckings (signum)
Thomas Walford (signum)
Henrie Sherburne
James Johnson (signum)
Robert Burnum
Richard Sloper
Edward West
John Pickering sen^{r} (signum)
John Pottell
Francis Drake (signum)
Jo. Vanner
Francis Gray
Gorg Drap
Nath. Drake
Joseph Atkinson
John Shirborne
Antho: Brackett
Fra. Ran (signum)
John Jackson
Walter Abetts (signum)
Phesant Eastwick
William Seavey
William Hearle (signum)
John Webster
John Jones (signum)
Francis Jones (signum)
Richard Seamond Seamark?

William Cotton (signum)
John Widdon
Samuell Whiddon (signum)
James Jones
Thomas Footeman
Rob[t] Watson
David Hammdleton
James Harben
Phillip Chasley
Patrick Jameson
Daniell Blake
Symon Lea
James Oare
Jam: Smith
Patrick Denmarke
Will: Jones
Thomas Robertson
Ralph Tirmley
Tho. Hanson
James Newth
James Buncker BUNKER OF DOVER
Will: Follett
John Godard
Robert Hynden
Ben: Hull
John Yorke
Richard Yorke
John Hilton
Joan Huncking
Tho. Avery.

A true copy attested by Fra. Corbett. (4 f.)

Petition of part of the inhabitants of Portsmouth and Strawberry Bank, signed by thirty two names with the names of six individuals petitioned against. (5 f.)

1665 Oct. 19.

Petition of the inhabitants of the province of Maine to the King, shewing that petitioners have been long distracted by the several patents and claims made for title and jurisdiction; some of petitioners "were seated by M[r] Rigby's power, some by the Massachusetts, others by possession," &c., and they are much afraid lest they be further en-

tangled by Mr Gorges in their lands if not deeply oppressed by two high chief rents, pray to be under his Matys more immediate government.

[A foot note states this to be a true copy of the original transcribed and compared under the above date.] (5 f.)

The case of FERDINANDO GORGES, Esq., in reference to his right and title to ye province of Mayne in New England, wch hee claimes as heire to Sr Ferdinando Gorges, his grandfather, according as ye same hath appeared prov'd to ye Right Honoble the Lords Comtee for Foreigne Plantac'ons, viz:

That Sir Ferd. Gorges having in the 15th year of King Charles obtained a grant of the province of Maine, spent upwards of £20,000 in planting and settling the same, being in hopes to receive some advantages thereby, but engaging in his Maties cause he was plundered and imprisoned and lost possession of his province until the restoration.

Mr Gorges having represented the matter to His Matie, and the matter having been fully discussed (the agents of the Bay of Boston pretending no title to the province but only to the government), by royal letters of the 15th of June 1664 peaceable possession of the said province was ordered to be delivered to Mr Gorges.

Consequently Mr Gorges Commrs having obtained possession, proclaimed his Maty, administred oaths of allegiance and began to keep courts &c., but after three years quiet possession, some factious persons of the said province procured Commrs to be sent from Boston who turned out all officers civil and military, imprisoning some and seizing the Records, acting contrary to his Matys Mandamus of the 10th of April 1666.

The Bostoners thereupon being required to come over and render an account of their proceedings, have thought proper to disobey the royal command and exhibit contempt of his Matys authority.

The Earl of Anglesey being to make report hereof to his Maty in Council.

It is prayed

That Gorges may be restored to the possession of his rights in the province and that the Records may be returned.

That some of the persons who have so acted and disobeyed may be sent for over.

And that satisfaction be given to those who have suffered imprisonment for acting according to his Matys pleasure. (7 f.)

Considerations in order to the establishment of His Ma^tys^ interests in New England.

M^r^ Mason having agreed to surrender the province of Hampshire to his Ma^ty^, which has been accepted, and M^r^ Ferd. Gorges being in treaty for the surrender of Maine, in order thereto it may be necessary that Commissioners about the number of five be sent with instructions and powers to effect his Ma^tys^ intentions.

That they proceed to Portsmouth where there are many of great estates well affected persons towards his Ma^ty^ being lately oppressed by the potent corporation of the Massachusetts.

That they make acquaintance with the principal persons in the place, letting them know, that they have a commission from his Ma^ty^ who now has a propriety (as well as dominion) by the surrender of the grants to the Ancestors of Mason and Gorges.

Although by the said surrender his Ma^ty^ is vested with an undoubted legal right to the whole soil &c., contained in the said grants, yet his intentions are to give a good and secure title of inheritance of lands and tenements to all now in possession by a confirmation upon very small acknowledgements, viz. the 20^th^ penny of the present yearly value for a yearly rent and one 20^th^ penny present yearly value by way of fine.

That when they see a fitting disposition in the people they do treat about the improvement of Trade there and the supplying the King and the nation with masts, timber, &c.&c., and submit to certain duties and regulations as in other colonies.

That as soon as good impressions are substantiated, it be made known that the King by proclamation will declare his intention of giving his protection and encouragement to the trade of his subjects in New England.

And that if any town or province therein will not submit to the necessary duties &c. it shall be debarred from trading with England or any other His Ma^tys^ colony or plantation.

That as the Comm^rs^ may deem it necessary to leave one or more of their number in such places as they shall see requisite, they be empowered to join other persons in commission with them, &c.

That until these two provinces shall be in a good measure settled, or that some inclination towards compliance shall appear in Boston, or other lesser corporations, no applications or demands be made to them lest they intermeddle in the proceedings of the comm^rs^ in the other provinces of Hampshire and Maine. That it be most prudent to trade with them as under and upon different grounds.

That it may be sufficient in this first attempt to aim at and to obtain a submission to His Maty's new right upon these two provinces and to the settlement of Trade and Customs there, &c. &c. (21 f.)

Considerations relating to the Expedition of the Commissioners to New England.

2500£ to be granted for the five Commrs viz. 500£ to each by way of advance. Also a sum of 300£ for clerks and necessary attendants on this service, making £2800, to which a further sum of 200£ may be added for other charges, the total not to exceed 3000£.

A fourth rate frigate and a small ketch to be appropriated for transporting the Commrs.

The composition to be finished with Mr Ferdinando Gorges. (4 f.)

Petition of William, Duke of Hamilton, and Ann, Duchess of Hamilton, to the king.

Shewing that by reason of the late unhappy war persons have possessed themselves of the best and most considerable parts of the petitionrs lands (in the province of Maine), acquired through purchase by petitioners father Pray to be restored to their just rights.

1664 May 6.

A memorandum under this date states, that His Maty was pleased to refer this petition to the Commrs employed to settle the affairs of New England to report their opinion thereon. (5 f.)

Report upon a petition which has been referred, signed G. Palmer, recapitulating particulars which have been already recited, touching Gorges right to the province of Maine, with certificate of its being compared with a true copy by Michael Brighouse. (6 f.)

Charles the 2nd to the inhabitants of the province of Maine concerning Mr Gorges title.

Reciting that Sir Ferd. Gorges did expend a vast sum of money upon the plantation in hopes to receive some advantage therefrom by way of recompense. But the wars breaking out in England he (the said Sir Ferdinando) although between three and four score years of age, did personally engage in the king's service and particularly in the siege of Bristol by reason whereof when it was necessary for him to appear before the council and committee for Foreign Plantations, he was wholly discountenanced by them and the people in the said province encouraged to disown his government A party of the inhabitants petitioning the Massachusetts to take upon them the govt of that province also (which they did), Sir Ferdinando and the petitioner being ever since deprived

of the issues and profits of the said province, &c. &c. Taking the same into consideration and finding petitioners' allegations and the report of counsel to be consonant, has thought fit to require them forthwith to make restitution of the said province to him, the said Ferdinando Gorges or his Commissioners, and deliver peaceable possession without delay to him or them, or otherwise without delay show cause to the contrary.

(17 f.)

p. 155

Declaration concerning the province of Maine at a Council called by the Governor, Capt Googing, Mr Russell and Mr Lousher held at Boston 30 Novr 1664.

In answer to a letter directed to the Govr and Council from Mr Henry Joslin, John Archdale, Edward Rushworth, &c. on the behalf of Ferdinando Gorges Esq. for the surrender of the province of Maine, &c.

The council assembled do declare that the lands contained in the county of Yorke, by them called the province of Maine, were and are claimed as part of the patent granted to the Massachusetts, which patent precedes the patent granted to Sr Ferdinando Gorges, and therefore the Council may not give up the interest of the colony without the consent of the Genl Court who doubtless will be ready to attend his Maties order in taking their first opportunity to give his Matie their reasons for their so claiming.

The council do further believe that they have good reason to believe, that his Maty has been misinformed respecting this matter, &c. &c.

They do further declare that no commissioners ought to exercise any govt in Yorkshire or the province of Mayne by virtue of any Commission from Mr Gorges, but ought to continue their subjection to the Massachusetts, &c. &c.

His Maty having declared his pleasure that the Massachusetts colony shall have liberty to vindicate their right before any absolute injunction of their surrender, if any evil or inconvenience fall out by the interposition of the Commrs aforesaid, they must be accountable as the authors thereof.

(5 f.)

1665.

An Answer by letter from the General Court of the Massachusetts Colony in New England upon their receipt of the coppy of a peticon of Ferdinando Gorges and severall others of the province of Maine and Laconia to the peticon complaining of them for seizing of their lands and subverting their ancient government, they refusing to take the engagement to the commonwealth without King and House of Lords, whereas they, the Peticoners, had in obedience to Acts of Parliament one

thousand six hundred forty eight, as they call them, taken it and advised the honorable state of it, &c.

Att our first comeing hither into this wildernesse and for some yeares after multitude of occasions in the beginning of soe great an undertaking did hinder our exact takeing notice of or laying claime to y^e^ utmost extents of our lymmits especially to the Northward, nor had wee for some tyme after our comeing hither occasion to make use thereof. Yet did we never sett up our bounds three miles East of Merrimack as the petition mentioneth. But as occasion was given have always asserted the same lymmitts that now wee clayme, though wee knew not certainely till tryall made where it would fall.

In the meane tyme severall persons procured pattents of certaine Tracts of land within the lymits formerly granted us. Whence it came to passe that there were severall little governments sometymes by pattents, sometymes by combination, sometymes the people left in distraction and confusion without any, and in great danger and hazard of shedding one anothers' blood.

Whereupon first divers of the inhabitants of Pascattaqna peticoned this court that as they were conceived to be within the lyne so they might be actually taken in and governed by us, which accordingly was done by commiss^rs^ sent from this Court with the ge'rall consent and good likeing of all the inhabitants and persons interested therein, and soe wee have continued in peace and enjoying the fruit and benefitt of good government to this day.

Aftèr wee tooke a more exact survey of our lymmits and finding those easterly parts menconed in y^e^ peticon to fall within our patent, which is more antient and more authentique then any other pretended to by the petitioners, we made declaration thereof to the inhabitants resideing within the aforesaid precincts, being likewise peticoned soe to doe by divers of the inhabitants beyond Passcattaqua (a River now called Yorkeshire), and after some agitation and conference with the rest of the people there wee came to a friendly and amicable conclusion, that as they were within our pattent soe they would for ever be subject to our goverment, wherein they were well satisfyed and find the benifitt thereof as their petition to his highnesse doth declare.

Nor was it matter of proffit that moved us hereunto, for wee have neither received nor expected any thereby, but the obligation of duty that lyeth upon us to see the people within our pattent governed according to God, and hath been our dilligent care and endeavour and soe shall alwayes bee, that all just possessions and empowerments shall be

preserved and confirmed to the true proprietors here, as it is amongst the rest of the inhabitants that have been under o^r^ government from the beginning.

There are severall other scattered inhabitants, that live more easterly, observing the benifitt their neighbours have reaped by good government have offered themselves to us, which yett wee are slowe to accept off, because without our lymmitts which wee desire not to enlarge.

It is noe strange thing that M^r^ Winthrop, M^r^ Dudley, &c. should long since before our lymmits were exactly knowne seeme to owne those for distinct goverm^ts^ which in truth were none but included in this of ours, as upon the running of our line did manifestly appeare.

Upon complaints relating to the bounds and lymits of the Patent of the Massachusetts I humble desire on their behalf that they may have notice thereof and liberty to answer for themselves before any determinacon be made in the case which being done I doubt not butt they will acquiesse in such conclusion as by the Kings most excellent Ma^tie^, or any substituted thereto by him shall make in the case.

1665 May 30. Boston.

Letter signed Richard Bellingham in the name and by the order of the Gen^l^ Court, addressed to the Right Hon^ble^ Sir W^m^ Morris, one of the Secretaries of State.

The Gov^r^ and Council of Massachusetts Colony being commanded by his Ma^tys^ letter of June 11^th^ 1664. to make restitution of the province of Maine to Ferd. Gorges, Esq., or his Commiss^rs^, or shew reason to the contrary, in order thereto (as in duty bound), they do declare that at the first beginning knowing their grant to extend three miles Northward of the most northerly part of Merrimack River, they found no immediate need for settling the bounds of their patent, yet the people having increased, the Court did in 1652 commission two credible persons with two artists to discover the northernmost part or branch of Merimack River, &c. &c.

Likewise afterward other skilful artists were commissioned to take the same height of Northerly latitude at the sea coast, as the former Commiss^rs^ had taken it within the land, &c.

A map of the whole tract, granted them by the King, has been sent to His Ma^tys^ Comm^rs^, whereby it will appear that the land claimed falls within the limit of their patent. Requests that he will signify to his Ma^ty^ that their charter bears date ten or eleven years previous to that of S^r^ Ferdinando Gorges, which fact they consider sufficient to confirm their right. (9 f.)

1665 May 17.

Attestation of Symon Willard and Ed. Johnson touching the attempt to discover the course of the Merimack river, taking with them two Indians. Having gone up about 60 miles short of the lake, they found there came two rivers into one, one from the Westward of the North, and the other from the Northward of the East. On enquiry of the Indians, which was Merimack river, the answer was, that which came from the Easterly point, which river was followed into the lake this 17th of May 1665.

Attached to the above

Observations taken by Jonas Clarke and Samuel Andrewes of the Northerly bounds of the patent, taken 1653 Oct. 13th.

Also

Observations taken by John Sherman and Jonathan Ince (Artists accompanying Capt[s] Symon Willard and Edward Johnson,) of the latitude of the head of Merimack river. 1652 Aug. 1.

Also

Affidavit of Peter Weare touching his knowledge of the extent of the River Merimack, attested 1665 May 17.

Also

Evidence of Richard Walderne of what he knows about the name of Merimack River. Attested 1665 May 17. pp. 242. 245. (21 f.)

An endorsement runs thus

"Amongst the papers of M[r] Gorges and M[r] Hartlib."

Report of his Ma[tys] Commissioners concerning the Massachusetts. After relating the doings of the Massachusetts it goes on to state that "*On the last they have usurped Cap[t] Mason's and Sir Ferdinando Gorges patents and said that y[e] Comm[rs] had nothing to do betwixt them and M[r] Gorge because his Ma[tie] commanded them to deliver possession to M[r] Gorge or to give his Ma[ty] reasons why they did not.*"

And further on as follows—

"*This Colony which hath engrossed the whole trade of New England and is therefore the richest, hath many towns, but not one regularly built within its just limits, w[ch] y[e] Comm[rs] said to be Seconnet Brook on y[e] southwest and Merimack River on the northeast, and two right lines drawne from each of those two places till they come within twenty miles of Hudsons river, for that river is already planted and given to his Royall Highness.*"

Again

"*In this Colony the king hath very many loyall subjects, who petitioned their generall Court at his Majestys first coming in for the owning of his Ma^tie, and now lately for complying with his Ma^tys Comm^rs, but have had neither answer nor good look since. They are sorry that so few (for there are scarce above eight of the most factious) should carry on so strong a faction, yet they are so overawed, that they can do nothing to remedy it.*" &c. &c. (27 f.)

New Hampshire.

New Hampshire is the name of a province graunted to Cap^t Robert Mason about the year 1635, and was to begin on the sea coast three miles easterly of Merimack River and reaches to Piscatoquay and sixty eight miles of that breadth up into the Country, but now it is usurped by the Mattachusetts, who pretend that it is within their bounds and that the people petitioned to be within their protection; it is true that difference of opinion made a division amongst them, and a few who were for Congregationall churches did petition for their assistance by which occasion partly by force partly by composition they have engrossed the whole and named it Norfolke.

When the Mattachusetts Charter was first granted, the mouths only of the two Rivers Charles and Merimack were knowne to them, for they durst not travaile farre up into the country; presently after there was an house erected three large miles north from Merimack, which was for seventeen years called and knowne to be the bounds of the Matachusetts and in that time was the patent graunted to Cap^t Mason.

M^r Wheelewright was banished out of the jurisdiction of the Mattachusetts and was permitted to inhabit immediately beyond that boundhouse, as himself gave testimony before the Commissioners.

M^r Mason had a pattent for some land about Cape Anne, before the Mattachusetts had their first pattent, whereupon Cap^t Mason and M^r Cradock who was the first Governor of the Matachusetts and lived in London, agreed that the Matachusetts should have that land which was graunted to Cap^t Mason about Cape Anne, and Cap^t Mason should have that land which was beyond Merimack river and graunted to the Matachusetts.

This agreement was sent to M^r Henry Jocelin to get recorded at Boston, but before he could have leisure to goe thither he heard that Cap^t Mason was dead and therefore went not. Of this he made affidavit before the Commissioners, who forbore to doe any thing about the limitts of this province, till this might more fully be proved, though the generality of the people petitioned to be taken from under the Matachusetts tyranny as themselves styled it.

The Matachusetts, since they had the government of this province, have graunted and divided the land into severall townesships which are very large and thinn, three of which are seated upon Pascataway river, which is a very good harbour and very capable of Fortification; here are excellent Masts gotten and dry docks might be made and upon this river are above twenty saw mills and here great store of pipe staves are made and great store of good timber spoyled.

Maine.

The province of Mayn begins at the Easterne side of Piscatoway and reacheth to Kenebec River, it was so named and graunted to Sr Ferdinando Gorges by King Charles the first, but was usurped also by the Mattachusetts under pretence, that it was within the limitts of their Charter, and that the people petitioned to be under their government and they named it Yorkshire. One gentleman who refused to submitt to the Mattachusetts and suffered great losses by them, shewed the Commissioners a warrt which the Mattachusetts made to have him brought to Boston alive or dead, and now demaunds justice against them. This province upon petition of the inhabitants and the differences betwixt Mr Gorges Commissioners and the Mattachusetts, his Matie commissioners tooke into his Maties protection and Government and appointed justices of the peace to governe them untill his Maties pleasure be further knowne.

The inhabitants afterwards petitioned his Majesty that they might alwaies continue under his Majestys immediate Government, and that Sr Robert Carre might continue there their Governour under His Majesty, which was lost at sea.

In this province also an Indian Sachim, who lives neare to the great lake, from whence flowes Merimack River, petitioned His Maty to take him under his protection which is also lost.

In this province there are but few Townes, and those much scattered as generally they are all throughout New England. They are rather farmes than townes, but in this province there is a Bay called Casko Bay, in which are very many islands, two outlets to the sea, many good harbours and great store of fish and oysters, crabs and lobsters. In this province as in all the rest there are great store of wild ducks, geese and deere in their seasons, strawberries, Resburies, Goosberries, Barberries, and severall sorts of Bilberries, severall sorts of Oakes and Pines, Chestnut trees and Walnut trees, sometimes for four or five miles togeather, the more northerly the country is the better the timber is accounted.

KENEBECK.

On the north-east side of Kenebeck River which is the bounds of the province of Mayne, upon Shipscot River and upon Pemaquid, eight or ten miles asunder, are three small plantations belonging to his Royall highnesse, the biggest of which hath not above thirty houses in it and those very meane ones too, and spread over eight miles of ground at least. The people for the most part are fishermen and never had any government amongst them, and most of them are such as have fled thither from other places to avoyd justice. Some here are of opinion that as many men may share in a woman as they doe in a boate and some have done so. The Commiss^rs for necessity sake have appointed the best whome they could find in each place to be a justice of the peace, and have ordered three of those justices of the peace in the province of Mayne, who live next to them, to joyne with them in holding of sessions till further order be taken.

In these parts are the best white oakes for shipp timber, all the lands graunted to His Royall High^s in these Northerne parts of New England except these three plantations are also graunted to S^r Thomas Temple in the Pattent of Nova Scotia.

My Lord,

In obedience to your Lord^ps commands here are the transactions of the Commiss^rs in New England breifly sett doune, each colony by it selfe. The papers by which all this and much more might have been demonstrated were lost in obeying his Ma^ties Command by keeping company with Capt. Peirce, who was laden with Masts, for otherwise in probability we might have been in England ten dayes before we mett the Dutch Caper, who after two houres fight took, stript and landed us in Spaine.

Your Lord^ps most humble servant

G. C.

My Lord,

Hearing also some Frenchmen discourse in New England of a passage from the West Sea to the South Sea and of a great trade of Beaver in that passage, and afterwards meeting there with sufficient proofe of the truth of what they had said concerning the Beaver trade, conceiving great probability for the truth of the passage and knowing what great endeavours have been made for the finding out of a North-west passage I thought them the best present I could possibly make to his sacred Ma^tie, whereupon I perswaded them to come to England. I humbly begg

your Lordps favour to procure from His Maty some consideration for the losse suffering and service of your

Lordps

most humble servt

Geo. Carr.

Decr 14th

Mr Madder } at Boston.
Mr Mayo }

Mr Elliot at

Mr Mayhew at Martins Vineyard.

Mr Brown at Sudbury.

Mr Hubbard at Hingham.

Mr Hubbard of Ipswich.

Mr Woodbridge of Newbery.

James Oliver of Boston.

John Porter.

Majr Hawthorne.

1665 June 18. Portsmouth at Pascataway.

Letter, signed Samuel Mavericke, addressed to Col. Nichols. Mentions that on the 10th of June the Court adjourned until October. Its last transaction was the making an order that the Courts by them usually kept at Pascataway and in the province of Maine, should be continued and that no notice should be taken of any other authority but theirs, &c. &c.

On the 11th of June, says the writer, we began our journey eastwards stopping at Salem, Ipswich, Newbury, Salisbury and Hampton, the inhabitants of which places entertained them well fully expecting they would have declared them freed from the Massachusetts Governmt and would have established His Majtys authority.—Thence they went to Pascataway, where they spent much time in inquiring into Mr Mason's right to the County of Hampshire, find that most of the people acknowledge Mr Mason's right to the province—persons living that were servants to Capt Mason, who showed many things that he had done—Captain Joceline, who had been his agent for many years, gave a particular account of the Massachusetts encroachment. Have summoned the inhabitants of Dover, Exeter and other towns to this place to hear his Majtys letters read. Have received generally great respect and good entertainment—purpose when they have done in this place going over the river into the province of Maine.

Recommend the bearer of this letter Jno Porter, a stout resolute fellow, to his notice. Intend by a letter to expostulate with the Massachusetts upon their proceedings in a province out of their boundaries. Sr Robt Car and himself have signed a paper (of which the enclosed is a copy), but Col. Cartwright will not. Will write again by all opportunities, but the Massachusetts have spies every where and endeavour to get all letters into their hands. (11 f.)

1665 June 23.

Copy of paper, signed by the Commissioners Robet Car, George Cartwright and Samuel Mavericke.

By virtue of their commission constitute Mr Francis Champernoun, Robert Cutt of Kittery, Edward Johnson, Edward Rishworth of Yorke, Sam Wheelwright of Wells, Fra. Hooke, Mr Phillips of Sacoe, Mr George Munjoy of Cascoe, Mr Henr. Jocelyn of Black Point, Robert Jordan of Richmond Island and John Wincoll of Newgewanack, Justices of the peace within the province of Maine. Mr Henry Jocelyn and Mr Edwd. Rishworth or either of them to administer the oath (copy of which is given below) to the aforenamed gentlemen, &c.

Hereby give power and authority to three or more of the above named justices, to meet at convenient times and places to hear and determine all causes, &c. &c., until His Majty shall please to appoint another government—require all inhabitants to yield obedience to the aforesaid justices. Forbid the commissioner of Mr Gorges as also the Corporation of the Massachusetts to molest any of the inhabitants of this province by virtue of any pretended rights before his Majtys pleasure be known. Given under the hands and seals of the undersigned at York 23 June 17 Chas 2d.

An addendum specifies

That they desire all who lay claim to any land in this province by patent to have them forthcoming by this time twelvemonths. (10 f.)

Copy of the oath to be administered to justices of the peace of the province of Maine. (1 f.)

1665 July 2.

Commission to Saml Symonds and Thomas Danforth Esqes to repair to York, York Co., there to keep a County Court, &c. (1 f.)

Letter signed Saml Symonds and Tho. Danforth, in reply to the above. State that they are obstructed and the train band drawn out, &c. (2 f.)

1665 July 12. Boston.

A document headed "An insolent letter from y^e^ Massachusetts to his Ma^tys^ Comm^rs^ upon settlem^t^ of the province of Maine w^th^ a warr^t^ to the Constable of Portsmouth to disturb the same". Signed Edw^d^ Rawson, Sec. And addressed to Sir Rob^t^ Car, Geo. Cartwright and Samuel Maverick Esq^rs^. When they took their departure refusing to treat farther with the general Court, it was expected they would cease any further actings in the colony as they expressed that their business was completed, and that an account of the negotiation would be rendered to his Ma^ty^, but on the contrary have interrupted the ordinary proceedings in the Court of Justice in Yorkshire. Have seen their warrant dated 10^th^ inst. directed to the Constable of Portsmouth for calling the people together—direct their attention to His Ma^tys^ letter, in which a more orderly method is instructed. Declare against their unreasonable proceedings which they feel bound to resist. (6 f.)

1665 July 12. Boston.

Copy of a warrant sent from the Governor and Council of the Massachusetts to the Constable of Portsmouth. (2 f.)

1665 July 15. Pascataway River.

Commissioners answer to the Massachusetts letter of the 12^th^ inst^t^ which they describe as full of untruth and wanting in construction of grammar, &c. (16 f.)

1665 July 16. Pascataway.

Copy of a letter, signed Joseph Mason, addressed to M^r^ Rob^t^ Mason, giving advice and expressing the general desire of the people to be freed from the Massachusetts. (This paragraph is an extract.) *Thus much I lett you understand y^t^ gennerally the people heere and in the next province, called the province of Maine, are all desirous to bee taken off from the Bay governem^t^.*" (6 f.)

1665 July 26. Boston.

Copy of a letter, signed R. C. G. C. S. M. After the Court at Boston was ended, they visited the Eastern parts and first passed a tract of land laid claim to by M^r^ Mason, who petitioned his Majesty about it, who refered it to Sir Robert Mason and others, who made their report to the King, all which M^r^ Mason sent to Col. Nicolls, whom he had made his attorney. This province reaches three miles north of Merimack River to Pascataquay River and sixty miles into the country. They find many small patents in it, and the whole province to be now under the usurpa-

tion of the Massachusetts, who set up a bound house, three large miles north of Merrimack and owned it for above twelve years, yet since claimed all this and sixty miles more to the north to be within their patent. Col. Nichols not being here, they left then, as they found them under the Massachusetts government altho^{t} the people seemed very earnest to be taken under that of his Majesty. From Picataqua eastward to Sagadahock and 120 miles into the country is another province, called Yorkshire by the Massachusetts and formerly the province of Maine in the Kings charter, granted to Sir Ferdinando Georges. The inhabitants of this province weary of the contests of the Massachusetts and the Commissioners of M^{r} Gorges, petitioned to be taken under the immediate Gov^{t} of His Ma^{ty}, which they (the Commiss^{rs}) did, appointing some to act as justices of the peace &c. This gave such satisfaction to the people, that they petitioned His Ma^{ty} that they may be governed for ever by his commands, which petition they have herewith sent &c. In this province are five towns, Kittery, York Wells, Scarborough and Falmouth, built all by the sea side Their towns are at the least five or six miles long, altho^{t} they have no more than 30 houses in them and those very mean ones. Without better government the province will never be well peopled or cultivated. The places beyond Sagadock were given to his Royall Highness by His Mja^{ty}; they have appointed some to govern there for the present, as there was great need. Upon the rivers east of Kennebec, Shipscot and Pemaquid, are three plantations, the greatest not having more than twenty houses and inhabited by the worst of characters, who are without government having, fled thither to avoid payment of debts and punishment, chiefly fishermen, who appear to have their wives in common. — July 9th they were up Piscataqua River, when they received His Maj^{tys} letter of Janr 28 (there is a commodious and safe harbour with seven or eight ships in it) sent warrants to four towns upon that river, with intent to have the harbour fortified by them, but a prohibition by the Massachusetts and a letter by their Marshall (to the Commiss^{rs}) put a stop to these endeavours. This place deserves fortification as much as any in New England. Have been informed, that they have appointed a gen^{l} Court to be on Aug. 1., to consider, how to manage their opposition, for they intend to maintain the bounds of their patent, to suffer none to make warrants or orders within the same but themselves &c., nothwithstanding the King write never so often to the contrary. [It concludes as follows] "Some few exceptions they may make as acts of theire favour to gaine some to their party and to serve to

delude the King with a shew of complyance: for if writeing will serve the turne (as they suppose it will) they can keep the business in agitation, untill the King and all his Secretairies there, and all his good subjects here be weary of it; if nothing of greater consequence make them to let it fall which hope may happen, and that if his Ma^tie do not take some speedy course, they, who have declared their judgment^es against them, will be undone as also all those, who have petitioned for any redress. And that it is the case of the loyall party here, as not long ago it was in England, though they be two for one, yet they be so overawed, that they cannot help themselves. That both the readyest and surest way is for his Ma^ty, to take away their Charter, which they have severall wayes forfeited, which King Charles 1^st was to doe a litle before the Scotch warr in 1636 or 1637. And if his Maj^ty will assure the people, they shall not be tyed to religious ceremony^s, the generallity of them will be contented. But this without a visible force will not be effected. This advice we have had from them, and this indeed is our owne opinions. Wee have heard severall say, though they do wish that the government was otherwise, yet they had rather suffer as they doe, then take up armes against them. And indeed without this course it will be impossible for the King ever to attaine those two ends mentioned in our private instructions. If his Maj^tie should now let these people rest haveing so much declared themselves against his authority over them, those that are well affected will never dare hereafter to declare themselves besides all the other ill consequences which must necessarily follow. Those who have declared themselves loyall are very much threatned, and in greate feare and have earnestly prest us to sollicit his Maj^tie for their speedy defence and safety and that they may not be afflicted or ruined for shewing their loyalty, wee therefore earnestly desire you to acquaint his Maj^tie with their desires in this as also of haveing there children baptized and themselves admitted to the Lords supper. If any thing be here wanting, we hope it may be supplyed by Col. Cartwrights relation and subscribe ourselves, &c. &c.

(16 f.)

Copies of four letters, endorsed as follow, viz.

[1665]

Copy of a letter, out of the Eastern parts, from Capt. Champernoune and M^r Rishworth &c., a little before S^r Rob^t Carr went thither *about the latter end of August* 1665. (4 f.)

1665 Oct. 6.

Copy of Mr Rishworths letter to Sr Robt Carr. (3 f.)

1665 Oct. 10.

Copy of Sir Robt Carr his Letter to Majr Lusher, Majr General Leveret and Mr Danforth. (2 f.)

Copy of a letter from Mr Rishworth to Sir Robt Carr, date Octr 30. 1665. (3 f.)

1665 Nov. 29. York.

Copy of Fa letter, sig. Hen. Jocelyn and Fran Chanpernoune, with five others, (Justices of the province of Maine) addressed to Sir Robt Carr. The full apperance of people as regards numbers at the last Court is sufficient testimony of their being satisfied with their present standing persons from all parts appearing (Casco excepted) from whence not one person came, neither has Mr Munjoy accepted his commission, from which he is now excluded. Request to be favoured with his presence in the spring if convenient, have solicited Col. Nicolls to the same end.

[An endorsement states] "This is the last I have recd from the province of Main." (5 f.)

1665 Nov. 22. York in the province of Maine.

Copy of letter, signed Hen. Jocelyn, Iran Champernoune and five others; addressed to Col. Richard Nicolls, requesting the favour of his proposing to Sir Robt Carr their desire of his presence in the spring, when convenient for the more effectual carrying on of public business, the better settlement of peace at home and the discountenancing molesters abroad. (4 f.)

1665 Aug. 22.

Order from the justices of Maine to the military officers of the province of Maine, requiring them to take care that the trained band under their command be ready completely armed at the first call of the drum, fully equipped for military service (if necessary) to protect and preserve his Matys laws and peace, &c. &c. (5 f.)

1665 Aug. 16.

Commission from the Justices of Maine, appointing John Wincoll, Capitain of Militia for the town of Kittery. (4 f.)

1666 Apr. 9. New York.

A Letter, signed Rob[t] Carr, addressed to the Lord Arlington, and endorsed "Proceedings in y[e] province of Maine." Since Col. Cartwright's departure, M[r] Maverick and the writer have sent copies of papers of their transactions and being come to New York, they find that Col. Nicolls has transmitted those which passed between them and the gen[l] Court of Boston, &c. &c. This time twelvemonths since they sat at Warwick acting upon their commission and made an order for the removal of one Pumham, an Indian, who with his company had seated themselves upon a tract of land, called Warwick neck and (as it was reported) were encouraged to keep it from the lawful owners by the gov[t] of the Massachusetts bay. Finding in December last, that Pumham had failed in obeying the said order, he entered into negotiations with him, to quit the place for a certain sum. About the latter part of February, the Indian not being gone, he went over again to Warwick, where it was reported that there was a letter for him from the Governor of the Massachusetts which proved to be from M[r] Elliot, a Minister of Roxbury. Transmits copy of this letter with his answer thereto, also an account of the transaction, concerning Pumham, also one from M[r] Williams, who was afterwards very instrumental in forwarding Pumham's removal. They are in a very sad condition, being in a very poor country without credit at Boston, where every thing is to be had. Receives by the last letter sent to him by the Justices of the province of Maine (Copie of which is enclosed as also of another from the same persons to Col. Nicolls), that their fears so still continue which by the advice and approbation of Col. Nicolls, he trusts to lessen and eventually remove, &c. &c. (14 f.)

1666 Apr. 10. Whitehall.

A Document endorsed "His Ma[ties] declaration concerning the Massachusetts in N. England." (Read at the Committee May 1. 1666. Entered B. N. 2. 21.)

His Ma[ty] having received full information from his Commiss[rs] who were sent into N. England of their reception and treatment in the several colonies, in all of which they received great satisfaction except in that of the Massachusetts, and having been fully informed of all the passages and proceedings which have been between the said Commiss[rs] and the Council of the Massachusetts, and the belief of those who govern that colony that the Commission is an apparent violation of their charter, and also that his Ma[ty] hath no jurisdiction over them, &c. &c. His

Ma^ty has thought fit to recall the said Comm^rs to the end he may receive a more particular account of the state and condition of the plantations and of the particular differences and debates which they have had with the Massachusetts, that he may pass his final determination thereon, The King's express command is that the government of the Massachusetts do forthwith make choice of five or four persons (of which M^r Rich^d Bellingham and Major Hawthorne shall be two), the others such as the Council shall make choice of, and he will in person hear what may be alledged on behalf of the colony, when he will make it appear, how far his intentions are from infringing the Royal Charter granted thereunto, &c. And he futher commands that "there may be no alterations with reference to the government of the province of Maine till his Ma^ty has heard what is alledged on all sides, but that the same continue as his Ma^tys Comm^rs have left the same until His Ma^ty shall further determine." He further commands to be set at liberty all persons who may have been imprisoned for petitioning or applying themselves to His Ma^tys Comm^rs. And for the better prevention of all differences with regard to bounds &c., his pleasure is that all determinations made by his said Comm^rs with regard to bounds and limits may still continue and be observed until his Ma^tys final determination, &c. &c. (10 f.)

1666.

Petition of the inhabitants of the Massachusetts upon the King's Declaration. (9 f.)

[1666 Oct.]

Copy of letter signed with the initials R N. R C. S. M. Addressed to the Justices of the peace in the province of Maine, recommending to their protection the case of Fra^s Hooke against Nath^l Philipps. (2 f.)

1667 Dec^r 25. Kittrey.

Nicolas Shapleigh to Col. Nicolls.

1668 Jan. 17. Kittrey.

Another letter of Nic. Shapleigh to Col. Nicolls. These letters are endorsed "Lands disposed of to M^r Hilton and M^r Barefoote for M^r Mason." (9 f.)

1668 May 20.

A paper addressed to Col. Nicolls signed Henry Jocelyn and five others, and endorsed "From the inhabitants of the province of Maine, concerning the Massachusetts intrusion upon y^e^ government."

Inform him that the "tumultuous distractions" formerly feared are daily increasing in the province which they are unable to restrain. This state of things, it appears, is brought about by some factious spirits who are animated therein as it appears from a paper here enclosed by the Massachusetts authority which assumes a re-settlement of its government by subverting his Ma^tys^ authority, &c. Request his countenance in these exigencies either by his presence counsel or otherwise. (5 f.)

1668 May.

A paper endorsed "Resolution of the general Court of the Massachusetts Colony sitting in Boston May 1668, concerning the government of Maine." Whereas the Court has received petitions from several towns and persons of Yorkshire, lamenting their distracted condition for want of the exercise of government from hence and expressing sorrow at their revolt, but excusing themselves as being drawn away by the deceitful management of M^r^ Edw^d^ Rishworth; they in reply observe that it was they themselves and not this court, that did bring about the distractions complained of, yet notwithstanding considering the right they have by charter &c., together with many other weighty considerations thereunto them moving, the court thinks fit to take care for the settling of order under their government in these parts and to that end to give commission to certain gentlemen to repair thither to keep a Court, &c. (4 f)

(No date.)

From the inhabitants of the province of Maine to the Commissioners (with a petition to his Ma^ty^ enclosed), signed Henry Jocelyn, Edw. Rishworth and three others. Being informed of their sudden intentions to go for England and considering how that the province altho settled under his Ma^tys^ authority, yet lies under discouragements through the threatenings of their imperious neighbours and disaffections among themselves, solicit their assistance by the furtherance of some answer from his Ma^ty^ &c. (3 f.)

(No date.)

Petition of the inhabitants of Mayne to the King, signed by Will. Phillips, Francis Hooke, Raphe Allanson, William Sheldon, John Budsarte, Barnabas Chauncy, James Gibbines, Thomas Williams, William Liscom, Edw. Rishworth, John Danos (Davis?), Jeremiah Hubbard, Edward Johnson, John Twisden, James Grant, Digery Jeoffry, John Pudington, Henry Jocelyn, Fran: Champernoun, Abra: Corbett, John Pearce, pray for continued establishment under the Kings immediate authority or "Esquire Gorges," or under whom it may seem most commensurate to his Majtys pleasure, &c. (5 f.)

1668.

Copy of papers endorsed "Orders concerning the government of Maine."

At a general Court held at Boston, May 21, 1668. Whereas the colony of the Massachusetts in observance of the trust committed to them by Royal Charter with the free and full consent of the inhabitants of the County of York did exercise government over the people of that county, and whereas, above three years past, some interruption has been made to the peace of that place by some who have unwarrantably drawn the inhabitants of that County to subjection unto officers that have no Royal warranty, this Court doth judge meet to declare their resolutions again to exert their power of jurisdiction over the inhabitants of the said County of York. And do hereby in his Matys name require all the inhabitants there settled to yield obedience to the laws of this colony as have been orderly published, and to all such officers as by authority of the Royal Charter and order of the Commrs, whom this Court has nominated and empowered, &c., to keep a court on the first Tuesday in July at York, and for that end have commanded the Secretary to issue warrants to the inhabitants to meet and choose grand and petit Jurors, Constables and other officers, &c. This order is accompanied by a notice to Nath. Masterson, Marshal of the County &c.

1667 Aug. 17. *Letter signed Thomas Mayhew addressed to Col. Nichols.*

Uppon the vynyard 17—6 : 67. *

May it please yor honour to take notyce that yors of the 26 : 10 I recd per Nikolas Davis for the wch I accompt my sellfe much obleidged. I am necessitated to trouble yor honour further at the present, for that I heave Mr Tallman who hath bought land there uppon the vynyard notwith-

* Corresponding to 17th June 1667.

standing his Ma^ties lrès pattents stryct p^r hibitions, &c. and allso notwithstanding I have these ilands graunted to me myne heires and associates uppon the payment of due acknowledgment yearely to be p^d to the right Lord p'prietor, for I had it graunted me first by M^r James Farrett, agent and steward generall unto the Lord Sterlinge, then meeting w^th M^r Vynes, steward generall to Sir Ferdynando Gorges whome I had then much interrest in; he solemnely p'fessed it was his masters, so where uppon I had it graunted by him and did p'ceede mostly uppon that graunt, M^r Tho. Gorges then gov'nor approveing of it. Now Sir yo^r hono^r I suppose doe know that Sir Ferdinando Gorges graundson obtayned of his Ma^tie a speciall declara'on on his behallf w^ch Esquire Archdale sent to me and in a lr'e unto me he intymated yo^r hono^rs clayme presumeing that it would as soone as your mett be yeillded readyly to Esquire Gorges, w^ch in the ten last was as to yo^r hono^r uncertaine this is all that I desire to injoye my graunte from the one or the other uppon the consideration mentioned therein w^ch I hope I have noe just cause to feare on either syde, yf the matter had beene issued on yo^r hono^rs p'te I had soone repayred or sent to New York but the gentlmen to the eastward they looke at it as to gov'ment to be under them, but as to the land w^ch I may truly say w^th every one its the meanest that I hear on, such as it is I hope none shall have such liberty as to ruyn the well being of both nations: I have very much to say many wayes but for present beseeching yo^r hono^r to excuse my boldnes whereunto I am invyted from yo^rs afforementioned. Thus humbly intreateing yo^u uppon the attendannce of my verry good freind M^r Lawrence to put into his hand a short answer hereto therby yo^r hono^r will strongly obleidge him that is allready bound to serve yo^r hono^r wherein he maye to the uttmost. I rest in hast

Sir, yo^r hono^rs to com'aunde

THOMAS MAYHEW.

COLL. NICOLLS.

(Inscribed) "Setting forth his title."

(Also) 17^th Aug^t 1667.

Letter from Thomas Mayhew to Coll. Nicolls.

1668 July 7.

We, whose names are under written appointed justices of the peace for the province of Maine by his Mat^ys honorable Comission in the yeare sixty five doe in these declare against the present actings of the Com^rs of the generall Court of the Massathusects relating to this province as being not only contrary to the comand of the s^d Comis^rs exprest in our Com^n, but also against that clause signified in his Majesties mandamus in the yeare sixty six, and so leave the issue to Gods good guidence [&] his Mat^ies pleasure.

Given under our hands at Yorke in y^e province of Mayne, July 7 1668.

SAMUELL WHEELRIGHT.
JOHN WINCOTT.

HENRY JOCELYN.
FRAN. CHAMPERNOONE.
WILLIAM PHILIPS.
EDWARD JOHNSON.
EDWARD RISHWORTH.
FRANCIS HOOKE.

(Inscribed) Ag^st y^e Massachusetts proceedings.

(Indorso) Protest of the Justices of the peace in the province of Maine, 7 July 1668.

1664 June 11.

K. Charles II^d to the Inhabitants of the province of Meyne, concerning M^r Gorges' title.

Whereas Ferd. Gorges Esq. has by petition shown that his grandfather, Sir Ferd. Gorges, deceased, did (15 Car. 1) obtain grant of a certain part of N. England entituled the province of Maine and that he did expend over 20,000£ in the planting thereof, &c. with the hope of receiving some advantage therefrom and that during the late unhappy wars (although between three and fourscore years of age) he did personally engage in the kings service particularly at the siege of Bristol. by reason whereof when he appeared before the Council for foreign plantations, he was wholly discountenanced by them, and the people encouraged to disown his government, while a party of the inhabitants petitioned the Massachusetts to take upon them the government of the province, which was done depriving the said S^r Ferd. Gorges of the issues and profits, &c.

That the agents for the Massachusetts declared, that they, whom they represented, did not claim any title to the said province, but only governed the said until orders from home respecting its govt. All which has been referred to counsel who find that Sir Ferd. Gorges obtained a grant &c., that possession was afterwards assumed by the Massachusetts &c. That petitioner's Commissioners since the restoration have endeavoured to get possession, proclaiming the King and beginning to hold Courts &c. as formerly, but were disturbed and hindered therein by the Massachusetts. The Royal pleasure is, that possession be restored forthwith to petitionr or his Commissioners, or otherwise that without delay reason shall be shown to the contrary. (15. f.)

1679.

A paper with the following address:

These for

His Excellence Edmond Andros, Knight, Governor generall of all His Royal Highness, his teritories in America,

and headed "Bounds of Nova Scotia."

Lord Sterling's Nova Scotia by K. Chas. I. ordered to be delivered unto the French 1633. Nova Scotia was bounded as follows. Cape Britton was the eastern bounds and from thence westward to Santo Croix right against the eastern end of the Grand Munhane and a league eastward from Pascattamaquade.

Capt Walter Neale made Govr by the council of Plymouth Ao 1631 of all N. England, that was not formerly granted to others, the western bounds began at the eastern end of Boston patent and went eastward as far as Santo Croix. During all his time the French never claimed any land to the westward of Nova Scotia. But two years after the said Neale had left the country, Monsieur Donee was sent by Monsr. Commander Rasolio, living at the Lahave eastward from Cape Sable some 40 leagues, with a ship to discover the coast of Nova Scotia and N. England, and in Penobscott Bay in a great fog Tho. Willett coming from Pemaquid to his house at Penobscot, in a small shallop, came foul of the sd Donees ship. Donee took him and made him pilot to his house at Penobscott and forced him to give him a bill of sale of his house and land and every thing appertaining thereto, but sent Willett away in the said shallop. Coming to his owners at Plymouth, they procured a ship of 32 guns an Ipswich man to go and retake the said

Penobscot with some land forces of their own, Capt. Standish being commander of them.

Meantime the said Donee had fortified himself planting upon a mount four or five great guns, the Plymouth forces coming to the place demanded a surrender, Donee seemed to be willing upon honorable terms but they refused; then Donee told them, they must win it before they should enjoy it, after this Donee played his part so well, that the great ship and Plymouth soldiers were forced to quit the place.

(This doc^{t} is written in a very loose disjointed style.)

1685.

A paper entitled, Privileges supposed necessary to encourage planting and settlement and to promote the sea fishing, salmon and sturgeon trade and the making of salt, pitch and rosin, in the province of Maine, N. England.

1st Liberty in religion.

2. Liberty to transport out of His M^{tys} dominions, or out of any other nations—such persons to enjoy the liberty of Englishmen, &c.

3. Persons within the plantations, to be for five years free from all arrests upon acc^{t} of debts, contracted out of the said plantation, provided within one year after their arrival they apply themselves to improve their estates and promote certain mercantile commodities.

4. That the s^{d} plantation harbour and rivers be ordained a manor and called by such name as His Ma^{ty} shall please.

5. That no actions arising within shall be tried out of the manor, except they exceed 100£, and that appeals upon good security to all the inhabitants and proprietors be granted in all cases, to the Gen^{l} Council in New England, and thence upon like security to His Ma^{ty} in England, if requisite.

6. That the Lord of the manor may appoint such ports within the manor as he may think convenient for the loading and unloading goods &c., and that no ships be compelled to go elsewhere, to make entry or take cockets and despatches. (5. f.)

1686 Oct. 12.

Memorandum of papers, delivered to and received by S^{r} Edmund Andros from W. Blaythwayt Esq^{r}.

Among these is

"His Majesty's Letter to Col. Dungan, dated 19th of Sept. last for the delivery of Pemaquid."

1688 July 7. Boston.

Letter to the Committee from S^r^ Edm^d^ Andros. Took the first opportunity of going to the eastward and viewing Pemaquid and other principal settlements as far as Penobscot, and sent as far as S^t^ Croix. On first notice of his being at Pemaquid the Indian Sachems of those parts applied to him as formerly. All things very orderly there which he left and returned to this place the latter end of May. On the 5^th^ inst. received the K^gs^ letters patents and commands for the Gov^t^ of N. England. Acquainted those of the Council who were present therewith and gave notice to others absent to meet the next week. Sends herewith duplicates of several acts and minutes of the Council which were forwarded by the last conveyance. (f. 3.)

1684 Dec. 5.

Petition to the King of William Vaughan, Rob^t^ Elliot, John Hinks, John Hawthorne, John Fairweather and James Pelton, merchants and inhabitants of N. Hampshire, whose fishing vessels were seized by the French at Nova Scotia. Deposition of Joshua Jackson, Matthew Ham and James Middleton of Pascattaway, Mariners, concerning the ketch Swallow. Depos^n^ of Richard Williams of Great Island, concerning the ketch Industry of Pascattaway. Depos^n^ of Peter Abbot and William Hanworthy of Pascattaway, concerning the ketch Endeavour. Depos^n^ of Thomas Devenson of Pascattaway, concerning the ketch Amity, &c.

1681–2 Jan. 25. Boston.

Commission from Edward Randolph, Esq., constituting Cap^t^ Walter Barefoot, Deputy Collector and Surveyor of his Ma^tys^ Customs in the provinces of N. Hampshire and Maine and in the Isles of sholes. (12 f.)

1681–2 Jan. 25. Boston.

Commission from Edward Randolph, Esq., constituting Thomas Thurton, Deputy searcher of His Ma^tys^ Customs in his provinces of N. Hampshire and Maine and the Isles of Sholes in N. England. (5 f.)

1685 Sept. 8.

Articles of peace agreed upon this day between his Ma^tys^ subjects inhabiting the provinces of New Hampshire and Maine and the Indians inhabiting the said provinces.

Signed Robert Mason, Walter Barefoot, Francis Hooke, John Davis, Robert Elliot, Henry Green and eleven Indians with facsimile of their marks. (A copy.) (6 f.)

1681 May 4th.

In a copy of some proceedings of assembly under this date there occurs a copy of an entry of a letter to Robt Mason, Esq., from the Council, dated Portsmouth, to this effect, viz:

That the Council having seen and read sundry of his declarations which he had set up in public places within the province, and also particular letters sent to them, charging them as great offenders &c., and bringing several false allegations against them, for the disproving of which they desire him to give them a meeting on Friday next about noon, at the house of Mr Partridge, to make out the said charges, or otherwise they will declare him to be a slanderer, &c. As to the other matter, that he will carry all matters and lay them before His Majty, it is an error to suppose the council have no power which they hold by virtue of their commission, &c.

[Mr Mason instead of coming to the Council in person according to the request contained in the above sent a reply by letter as follows, dated Kittery, May 5, 1681.]

That he stands to the justification of whatever he may have written in his public declarations or letters to the Council, having good testimony for proof thereof and which he has always declared he would lay before His Maty, and which they thinking themselves concerned have by declaration of 23d April declared, that they will disprove altho' they know not from him either the persons accused or the crimes. Admires their hasty conclusion that they are the parties intended to be charged by his letter of 6th April, wonders moreover that they want to be judges in their own cause, a custom unprecedented among Englishmen, &c. Acknowledges his loyalty and the right of the Crown, &c. Yet considers it a duty to protest against unlawful proceedings under colour of a Royal Commission. It is they, who have made themselves parties concerned, he (Mr. Mason) is their lawful proprietor, und so declared by his Maty and His Council, and there is no judge between them and him but the King to whom alone he will give in his charge, &c. (12 f.)

1683–84 March 3. Sagadahock.

Letter, signed John Allen and Lawrence Dennes, addressed to Capt. Anthony Bracket, giving an acct of their proceedings. Have sent two Indians to Naconick, to bring in all the Sagamores there or elsewhere, that may be found. Have sent other messengers to summon certain Indians named, or obtain their answers, concerning their treacherous dealing against the English—request him to do the like, and to send them an account of his proceedings. (4 f.)

1683–84 Febr. 11.

Letter, signed Francis Hook, directed to Capt Walter Barefoot at Great Island. Received on Saty night last, a letter from the Captn of the Fort of Casco, requesting ammunition and provisions, suspicion of a sudden rising of the Indians instigated by one Casteen, a Frenchman. Their first intention is to attack the Fort of Pemaquid, &c. (3 f.)

1683–4 Mar. 11. Prove of Maine.

Letter from Francis Hook to Edwd Cranfield, Govr of New Hampshire, Mentions the receipt this day of two letters, one from Casco, the other from Cape Porcus, signifying suspicion of plots from the Indians. In Casco all business is laid aside, in order to erect garrisons for their safety. Some Indians have been of late at the house of James Andrews in Casco and have carried away some webbs and have openly declared their intention of killing some Englishmen, &c. Such a state of things requires every preparation, &c. (3 f.)

1683–4 Febr. 21.

Letter signed Lawrence Dennes, addressed to his loving friend, Captn Anthony Bracket, Commander in chief at Fort Loyal in Casco Bay, and dated from New Towne, on Roussick Island, in the province of Maine. Acquaints him of the threats used by the Indians towards the English—Report of an Indian woman to a young man living in Kennebeck. Indians gone for Canada, supposed to fetch ammunition. (3 f.)

1683-4 Febr. 23. Fort Loyal.

Letter from Capt. Anthony Bracket to Major Davis. Acknowledges his from the Council, by Mr Masterson—did not write to him the full of what he knew from his friend, lest it should put the province in an uproar, also his friend desired he should not make much stir about it lest the Indians should kill him for discovering their plot. The night before Mr Mastersons arrival three men came from Kennebeck with a letter about the Indians (these men live on the west side of Kennebeck river which belongs to Maine) to know what they should do to secure themselves. Not knowing what the province would do could say nothing, they being not above six or seven families on this side the river. They resolve to withdraw their families immediately and come to the town near the fort. The letter which they brought is enclosed. Ten Indians started for Canada supposed for ammunition. A token left in Mr Gend-

all's house by an Indian, when the Indians send for it, Mr G. is to hasten away with all speed. Capt Sharp, Commandr of Pemaquid Fort, has sent for Medockawanda. The men of Mocees, a Kennebeck Sagamore, have left him, he himself stays at Pemaquid, &c. &c. (6 f.)

In the case of Barefoot and Wadleigh.

Inter Walter Barefoot, armr Quer. et
Robtum Wadley, gent defte.

King James by patent under the great seal 3 Nov. 18 Jac. granted unto the Plymouth Council, all that part of the main land of America, lying between 40° and 48° North latitude to be called New England &c.

The said Plymouth Council by their indenture, dated 10. Aug. 1622 did sell to Sr Ferdinando Gorges and Capt John Mason all that part of the main land of N. England, lying between the Rivers of Merimack and Sagadahock and to the further head of the said river.

The said council, by indenture, dated 1629 Novr 7, by the mutual consent of the said Ferdinando Gorges and Capt Jn Mason did make a partition of the lands aforesaid and did grant to Capt John Mason, his heirs &c., all the land lying between the rivers Merimack and Pascataqua and to the furthest head of the sd river. All which lands were confirmed to the said Capt Mason by the said Council by indenture dated 1635, Apr. 22, to be holden of his Majty his heirs &c. in fee, and to be called N. Hampshire. Robt Mason, grandson and heir of Capt John Mason, by letter of Attorney, dated London 1644, May 3, did constitute Richd Nichols, his lawful Attorney, and assignee with full powers to dispose of lands, &c. And likewise one other Attorney under him.

The said Col. Richd Nicholls by his letter of Attorney, dated 1666, Nov. 20, did appoint Major Nicholas Shapley to be his lawful Attorney.

The sd Nicholas Shapley by indenture, dated 1667, May 10, did grant and demise to Capt Walter Barefoot all that tract of land, containing 1000 acres, situate at or adjacent to the falls at Lampereel river, where one Robt Wadley lives, together with the said falls, &c.

The king in his Commission for the Govt of this province and also by his royal letters, hath set forth the title of the sd Robt Mason and his ancestors to the province of New Hampshire. The genl Court of the Massachusetts having usurped this province did about the year 1660 grant unto Samuel Symonds of Ipswich gent. 640 acres of land at Lampereel river.

The s[d] Samuel Symonds in Sept 1664 grants a moiety of the s[d] lands to his son Herlakenden Symonds and his assigns; A° 1664, Sept. 24., sells the s[d] 320 acres to Walter Barefoot; Walter Barefoot sells the same to Robert Wadley 1669, June 10[th].

Rob[t] Wadley being deeply indebted to Barefoot and having several suits depending, they by consent submit all matters to arbitration as by bond dated 1670, Dec[r] 8.

The arbitrators award that Barefoot's deed of sale of the 320 acres &c., be made void (as per award, dated 8[th] of March 1680,) and releases to be given mutually.

In pursuance whereof Rob[t] Wadley under his hand dated 1671, May 8, gives Barefoot a gen[l] release and surrenders all right and title of the s[d] lands to the s[d] Barefoot. Whereupon Barefoot gives him a release. Notwithstanding which the s[d] Wadley has ever since kept possession of the lands and mills having no title thereto.

Note. Walter Barefoot having purchased the lands in question of Symonds in the year 1664 upon the Massachusetts title and finding it not good in law, and that the premises of right did belong to Rob[t] Mason Esq., did in 1667 obtain a grant and confirmation of the same with others from Nicholas Shapley, agent of the s[d] Robert Mason, and by virtue of this title from the s[d] Mason to the s[d] Barefoot is the lawful owner of the s[d] lands.

Note. At the trial at the Court of Pleas held at Portsmouth (N. Hampshire) 1682 Feb. 13., the s[d] Wadleigh relying on a partial jury produced no evidence nor offered any thing to the Court, but words in his defence.

The bill of costs (independent of the damages which the said pl. Walter Barefoot had sustained by destruction and waste of his timber, cut at his own mills and converted by being kept out of possession of his said land above 10 years computed at no less than 1000 £) is this:

	£	s.	d.	
Going to York, staying and returning . .	—	8	0	4 days.
For copies of records	—	14	0	
Going to Salisbury, likewise 4 days . . .	—	8	0	
For copies from thence	1	2	0	
Attachment and serving	—	8	0	
Summons of 2 witnesses from Lamp. river .	—	5	0	
Attendance of s[d] witnesses, 5 days . . .	1	0	0	
My attornys attendance. 5 days	—	16	0	
Entering gen[l] Action	1	0	0	
Filing evidences	—	3	0	
	5	16	0	

Note. The Charter from K. James to the Council of Plymouth (18. Jas.) was at the trial read in Court with the grant to Robt Mason Esq., his ancestor.

N.B. This Vol. contains a number of papers relating to Wadleigh and Barefoot, viz. pag. 524–566, and elsewhere.

One of these papers, pag. 602, mentions Robert Wadleigh's return from England, his appeal being dismissed by the council Board. He was formerly an Assembly man and had three sons condemned in Gore's rebellion and is himself now chosen again. The eldest of his sons is pardoned, one of them is dead and the other kept in prison until further orders.

This is mentioned in a letter from the Govr and Council of N. Hampshire to the Board of Trade, under date of 1684, May 23.

1684 Nov. 22.

Memorandum concerning the province of Maine with Mr Attorney Genls opinion thereon.

The King by letters patent constitutes a corporation under the name of Massachusetts Bay, with a grant of a tract of land in N E., whereof the boundaries are denoted.

Under colour of which boundaries, the Corporation possessed themselves of two other neighbouring provinces belonging to proprietors Which proprietors appealed to the King in Council for relief and had judgment given them by his Majty for the restitution of their proprieties. Meanwhile the corporation bargained with one of the proprietors for 1200£ by deeds in the name of certain merchants and have since exercised jurisdiction in the province of Main and laid taxes in the name of the proprietor.

Meantime this corporation is dissolved by judgment upon a scire facias.

Qu. whether the province of Main do not likewise devolve to His Maty?

[The opinion appended is as follows, signed R. Sawyer] Upon consideration of this case I conceive the trust of the government of the province of Maine, wch was in the corporation, is devolved to the King, and as to the trust of the propriety of any lands there not sold to private proprs. I conceive the same will be attendant upon such government his Maty shall appoint there towards defraying the charge thereof, it being a trust for a Corporation for the government of that place.

(4 f.)

1684 Mar. 20. Whitehall.

Reference of the petition of Richard Wharton of Boston in N. England, touching lands in the province of Maine.

By the king and privy Council

Upon reading this day the petition of the aforesaid Rich. Wharton, praying his Majty to take into his Royal protection and government divers lands &c. (purchased from the ancient Indian proprietors) under such quit rents, &c. as His Majty shall think fit. Ordered that this petition (copy of which is enclosed) be referred to the Lords of Trade to report to His Maty and Council thereon. (4 f.)

The petition of Richd Wharton of Boston in N. England. Showing that petitioner by purchase (from sundry persons, who originally derive their right from the Council of Plymouth, Sir Ferd. Gorges and his Commrs. and from the ancient Indian Saggamores and proprietors) being seized in fee simple of an entire tract of land, lying between the river of Kennibeck and Cascoe in the province of Maine, as also of an island lying near called the Sebascoa Diggen, with other small islets &c, adjacent, which main land for nearly sixty years has been planted and improved by Mr Thomas Purchase and others whose rights are now vested in petitr. and is bounded southerly towards the main ocean by a tract of land, called Small Point (sold by Sir Ferd. Gorges in Ao 1637 to Sir Rd Edgecumbe of Mount Edgcombe, Co Devon, and to the North westward of Pejepscot runs into the main land above twenty miles, four miles on each side a small river, called Andros Coggan river, which by a precipice empties itself into the westernmost branch of Bay of Kennibeck.

Most of the inhabitants in consequence of the Indian wars have deserted those parts. And petr understanding his late Matys displeasure at the purchase made by the agents of the Massachusetts refrains from further improvements &c., until His Majty shall take the land under his immediate protection, which the Indians await with subjection—probable advantages to the crown, the situation being capable of establishing various fisheries, prays the King to take under his protection the lands aforesaid with such quit rents &c., as may seem meet to confirm to petiter the said lands, &c. &. (7 f.)

The answer of the Agents of Massachusetts Colony to Mr Robt Mason's case.

3 *Nov.* 18 *Jac.* They agree the patent to the Council of Plymouth to be the same as is set forth.

9 *Mar.* 19 *Jac.* Admit Mr Mason has a deed of this date, supposed to be a grant from the Council of Plymouth to John Mason of certain tracts of lands, said to be part of N. Hampshire.

10. *Aug.* 20. *Jac.* Acknowledge to have seen an old parchment, produced by Mr Mason, supposed a grant of this date to Sr Ferd. Gorges and John Mason of certain lands, &c.

But they object unto both those deeds.

1. That the boundaries especially of the first of them are obscurely expressed.

2. That with those deeds there never was possession.

3. Both grants contain in them a letter of Attorney to make livery from the Council of Plymouth, but no livery appears to be made or any possession taken &c, whereby the execution in law remained still in the Council which granted all those lands in question to the colony of the Massachusetts, (19 *Mar.* 3 *Car.*) which was afterwards in the next year (4 *Mar.* 4 *Car.* 1) granted and confirmed to them by the King's letters patents, in pursuance whereof several of the patentees did immediately transport themselves into N. England, where they have ever since continued, &c. There was a law made Ao 1651 for quieting of possessions, which had continued so from 1652 and should so remain until 1662, from any future claim, which will bind Mr Mason, if he had any right, and all others not claiming according to the time therein.

As to the other grants mentioned in Mr Mason's case, they being all subsequent to the grant to the colony, they conceive no answer need be given. Only that it would appear that Mr John Mason had no confidence in his two former pretended grants, seeing he took such subsequent grants from the Plymouth Council. Admit also that by virtue of one of the subsequent grants to Mason and others in 1631 (not in his case) some possession was taken in the void places of colony, but soon after quitted by Mr Jno Mason from whom petitioner Robt Mason assumes to claim.

They further answer that as to the power of governing the colony which is the chief matter at issue, they say that no power of governing those provinces is granted to Mason by the Council of Plymouth, and if granted had been clearly void. But the same was granted by the sd letters patents (4 Car. 1) to the Company of the Massachusetts including the said lands claimed by Mason and Gorges, which has ever since been executed to the great satisfaction of the people who earnestly desire the

same to continue. Nor is it possible for Messrs Mason and Gorges if they had the Government, to protect the people within their alledged claim, as experience has already proved. (11 f.)

1684 May 14. N. Hampshire.

Letter signed Edwd Cranfield, addressed to the Committee of Trade. Since his last the Indians to the eastward in the province of Maine have been very disorderly, threatening to kill the English and burn their houses. Has written to the Governors of the several colonies to request they would send to the leaders of the Indians who are called Sagamores to endeavour to promote a good understanding. Nevertheless the government of the Massachusetts, himself and Council thought fit to solicit Col. Dungan for the assistance of the Moquaers and some of the southern Indians in case of a war, which was readily complied with. Necessity of peace, as there is no money in the Treasury, can get none, although he has earnestly prest the point in two assemblies. Has been obliged to suspend Mr Elliot, one of the council and a great owner of ships (in whom he has been much mistaken) and recommends for confirmation Mr Francis Champernoun and Mr James Sherlock. Mr Fryer gone to live out of the province. Account of seditous speeches, spoken at a town meeting by Mr Mather, Minister of the North Church in Boston and Mr Nowell, one of the Magistrates there, against his Mats declaration sent here concerning the Quo Warranto, telling the people that the inheritance which God had given them was going to be taken away as was Naboths vineyard, exciting them to arms in its defence, reminding them of David, that it was better to fall into the hands of God than of man. Also that a Minister near Boston on the 20th last past declared Hugh Peters to be a martyr and unlawfully put to death. The same spirit prevalent amongst others in the province. Affidavits of approbrious speeches alluded to, that the King knows nothing of the writer and Mr Mason's coming hither, but were sent by the Duke of York. Such virulent speeches of the Ministers contaminate the peoples minds. Death of the brother of Mr Randolph whom he left his deputy—Canary wine and French commodities being more plentiful than ever in Boston, it is necessary to have the vacancy supplied. Conceives that the continuing the Taxes and other Imposts will be the most effectual way of establishing the Church of England and silencing these. Considers it will be a work of great time before they can be brought to it by assemblies, there "being such a canker among the generality of the people", &c. &c. (13 f.)

1680 Oct. 19. Boston.

Copy of a letter of Mr Thos Danforth to the Magistrates of the province of Maine.

Mr Edward Randolph having requested the calling of a Court to judge between him and one Mr Nicolls, Master of a ketch, seized for infringing the act of Trade—Order is hereby given that on Mr Randolph exhibiting his libel and depositing 1£ as caution money, time for a special court shall be appointed to meet to give judgment in the said cause, the secretary to give notice thereof to the magistrates and timely warrants to be sent to the Constables of York, Kittery and Wells for summoning a jury &c., which said jury are to be allowed for expenses 4s per diem during the session of the court—to the magistrates and other officers allowance according as the charges may be and surplus to be delivered again to Mr Randolph. (4 f.)

Transcribed from and collated
with the original, 5th Nov. 1680.
Pr Ed. Rishworth.

1685 May 5.

Proposals offered for encouragement of such of His Majestys subjects as design to transport themselves and families to Pejepscot, being the northernmost part of N. England.

Every one shall have a convenient quantity of land allotted him, sufficient for the maintenance of his family, provided he apply himself to planting or fishing, &c., at a peppercorn rent.

Every one to have free right of fishery in any of the rivers, running thro' the said lands for the supply of their families.

All the King's subjects to have free liberty to fish on the coast and without paying any thing for landing, may bring the fish on shore, &c.

All vessels coming from England shall have license to fish in any of the sd rivers upon payment of a reasonable sum for such license, and to dispose of such goods as they may bring from England, &c. (4 f.)

[Endorsed as received from Mr Wharton, 4th and read May 5th 1685]

1682 Janr 30.

At a County Court for Suffolk, held at Boston under this date.
Edward Randolph Esq., plt versus Thos Danforth Esq., Deft.
According to attachment 13th Janr.

Deft objecting against the process as being illegal and claiming a non suit. The Court considering the deficiency thereof, the action being only for 10£ deposited, and no mention of what was kept of the said

sum. And notwithstanding the president's letters to the justices of Maine for calling a special Court at plaintiff's request, directing them to take caution for answering the charges thereof. The members of that Court not being obliged upon the said letter to act contrary to law, are the persons liable to respond the pl^{ts} damage (if sustained). Likewise the president of that province being accountable to the Massachusetts and not to any inferior Court here for any illegality in the adm^{on} of his authority, the Court declare an abatement of the writ. (3 f.)

1685 July 15.

A paper, entitled Abstract of His Ma^{tys} K. Ja^{s} 2^{ds} grant and confirmation of lands at Pejepscot in N. England.

Whereas Rich^{d} Wharton has been a suiter to the King, to confirm to him divers lands and islands at or near Pejepscot in the province of Maine, the same is granted and assigned to him paying yearly * * * * * reserving the 5th part of all gold and silver, &c. The said land also ordained a manor to be called by the name of * * * manor, the said Wharton, his heirs &c., to be Lords and prop^{rs} of the same with jurisdiction &c., as customarily exercised within the realm of England. Liberty of religion conceded to such as yield due obedience to the laws, &c., also power to the s^{d} Wharton, to erect fairs and markets and with the consent of the gen^{l} Governor and Freeholders to make by-laws, Liberty of Ships or vessels to enter and clear with the chief officer resident on the manor. No crimes or misdemeanors (excepting treason or felony) arising within the manor or actions under £100 to be tried elsewhere. Planters or residents within the said manor may bring their commodities to any part of the united Kingdom, subject to no more dues than paid by subjects born within the realm. The said Wharton may erect within the s^{d} manor convenient ports, havens &c., for the lading and unlading ships, provided that this grant do not restrain any of His Ma^{tys} subjects from fishing on the coast, &c. (6 f.)

[The draft of this grant in extenso occurs at pag. 207 of the same Vol. 4. It therein describes the tract as divers lands at or near Pejepscot in the province of Mayne, together with divers lands, islands and other places, adjacent, lying upon and between the rivers of Kennebec, Amdrose Coggan and Cascoe Bay within the province of Maine, granted formely in the time of the late King to Thomas Purchase late of Pejepscot, and Geo. Way of Dorchester, Co. Dorest (England) which have been in the possession of the s^{d} Purchase and Way for nearly 60

years and lately by the heirs of the s[d] Purchase and sundry Indian Sachems sold and conveyed to Rich[d] Wharton and his heirs, paying as a yearly quit rent to the King six beaver skins, &c. &c.

Council Minute.

1685 Sept. 9.

The Lord's of Trade &c., having read the enclosed draught of M[r] Whartons grant, desire the opinion of M[r] Attorney Gen[l] thereon.

1686 May 1.

The opinion of the Attorney gen[l] (R. Sawyer), is, that there is nothing unfitting his Ma[ty] to grant, it amounting only to a confirmation of such lands as he is already seized of by purchase.

N. B. The name of the manor is left blank in this draft.

[It is marked in dorso as] Rec[d] 26. Aug. 1685.

Read at y[e] Com[tee], Sept. 9 1685 and 10 June 86.

Referred to S[r] Edmund Andros.

[The grant in extenso comprises ab[t] 20 folios]

Letter to John Winthrop, Governor of Connecticut.

1670 Boston.

Right Honorable

I was at Boston in the Massachusetts Colony when M[r] John Pell arrived there, by whom I had the great favour of your Lordships letter. He came into that Harhour very opportunely for the expedition of his business. For one M[r] John Bankes, a neighbour of M[r] Thomas Pell, deceased and one of those whom he had intrusted with the estate, was in a vessel of Fairfield [the place where M[r] Pell had lived] returning thither and met the ship coming in and came back with M[r] John Pell to Boston. Where I spake with them both and upon the reading of your Lordships letter informed M[r] Bankes that I had full assurance from your Lordship and divers others that the person there present was M[r] John Pell and he to whom M[r] Thomas Pell deceased had given his Estate. And that very day, M[r] John Pell imbarqued with M[r] Bankes, and sailed towards Fairfield carrying also with him my letters to the magistrate and others there, certifying the same to them concerning him with desires of all good loving respects to him and their helpfulnesse as his occasions should require, and that order might be taken forthwith for his quiet possession of that estate. I have heard since of

his safe arrival and welcome there and that he hath accordingly the possession of the lands and houses and goods to which he had right both at Fairfield and Westchester, which is a place neere New York, where his uncle had also a considerable plantation, with good accommodations belonging to it.

My Lord, the relation which I am now presenting to your Lordship is of a very strange and prodigious wonder this last summer in this part of the world, that the like hath been knowen for the whole manner of it I doe not remember that I have read or heard.

There was an hill neere Kenebunke River in the province of Maine (the eastern part of New England) which is removed out of its place and the bottom turned upward. The time is not certaine when it was done, but that it is so is very certaine. And it is concluded by those who live neerest to it, that it was removed eyther the later end of June or the beginning of July last. The relation which I have from credible persons concerning the manner of it is this, viz. that the hill being about eyght rodds from Kenebunke River side on the west side of the River, about foure miles from the sea, was removed over the drye land about eyght rods or perches, and over the tops of the trees also which grew between the hill and that river, leaping as it were over them into the River, where it was placed (the upper part being downward) and dammed up the river till the water did work itself a passage thorow it. The length of the hill was about two hundred and fifty foote, the breadth of it about fourscore foot, the depth of it about twenty foot. The situation of the hill as to the length of it was norwest and south east. The earth of it is a blue clay without stones. Many round bullets were within it which seem to be of the same clay hardened. I have not yet seene the place my selfe, but sent purposely to inquire into the truth of what had beene reported concerning it. And had this relation from Major William Phillips who dwelleth not farr from the place and Mr Herlakenden Symons, who went to the place and took very good notice and brought me the same report of the truth and manner of it, which I had before received by a letter from Major Philips in answer to my letter of enquiry and told me that the earth of the hill did not lie between the former place of the hill and river, but was caried together over the tops of the trees into the river, which seemes to be as if it were blowne up by such a force as caried the whole body of it so farr together. I had fro' them some few of those rounds bullets, I think there were but two or three, and some pieces of the earth in other formes which were found upon that now-upper part, which was before the

lower or the inward bowells of that hill. As also a small shell or two of a kinde of shell fish, like some shell fishe commonly founde where the sea floweth, but how they should be within that hill is strange to consider. I have sent all that I had thence with other things to the Royall society for their repository. I understand also from some of those parts, that there was no notice taken of any earthquake about that time, nor did I hear of any in other parts of the country. I give your Lordship the relation only of this prodigie as I had it upon the best inquiry I could make, leaving the discussion of the natural causes which might concurre a matter too hard for man to comprehend, but the power of his Almighty arm is herein manifest to all who weigheth the hills in a balance and at whose presence the heavens drop, the hills are melted like wax. Sinai it selfe is moved. I hope to have opportunity to see the place and if any other matter considerable upon my observation or further inquiry shall appeare, I shall be obliged to give your Lordship further account thereof and for present am bold humbly to subscribe my selfe.

Right Hon^ble^ Your Lordships most obliged humble servant

Boston, Oct. 11. 1670. JOHN WINTHROP.

BRITISH MUSEUM. Add. Mss. N° 15488. A volume entitled, "Papers relating to the Case of the Kennebeck River, Maine. 1752–1762."

A list of the Papers sent by the proprietors of a tract of land lying on both sides of Kenebeck River p^r^ the ship Halifax, John Phillips, Comm^dr^, to the care of Florentius Vassall, Esq^r^. (3 f.)

1752 Apr. 2.

Deposition of Philip Call, Obediah Call and James Coller, residents on the Kennebeck river, touching their knowledge of Nescumskeck, Nehumkeeg or Negumkick, and various others localities. (3 f.)

1753. May 25. York. ss.

Memorandum that the above deposition was sworn before Samuel Denny and Sam^l^ Moody, two Justices of the Peace. (1 f.)

1752 Apr. 2.

Deposition of John Herron to the same effect, with a like attestation under date of 1753 May 25. (3 f.)

1735 June 10.

Report of a Committee appointed (at a gen^l^ Court of Massachusetts Bay, held at Boston, 28 May 1735) to run the lines between the province land and the town of North Yarmouth, noting certain boundaries or marks, &c.

With a memorandum, that the said report was accepted, and the line therein described determined on accordingly.

The report bears the signatures of

DAVID SEABURY,
BENJ. INGERSOL, EBEN BURRIL,
ABNER BROWN, DAN[l] EPES,
EDW[d] KING, JOHN HOBSON,
JOSEPH BLANEY.

(6 f.)

1750 Nov. 20. Charlestown.

Deposition of John Phillips of Charlestown (at 76) to the effect, that the river Kenebeck bears the same name quite down to the Ocean. Sagadahock, a rock or island otherwise called Parkers island, from Thomas Parker, mate of the first ship that came from England with the Plymouth people. This Thomas Parker was uncle to John Phillips, the father of the deponent John Phillips, and was father to Thomas Parker, who then lived on Parkers island and also to John Parker, who lived opposite to Arrowsick island.

Attested before Thomas Jenner and Thad Maior, Justices of the peace

(3 f.)

1753 Jan[r] 15.

Deposition of John Gyles of Roxburgh, in the county of Suffolk (at 73) testifying that he always understood both from Indians and the English, that Kenebeck river not only extended from Merry-meeting Bay upward into the country, but also from the said Bay downwards quite into the ocean, also that the word Sagadarock, called by the English Sagadahock, means no more than the mouth of or entrance into a river.

Declared before Samuel Wells and Dan[l] Henchman, Justices of the peace. (3 f)

1753 Apr. 6.

Deposition of Samuel Welles of Boston in N. England, declaring that in 1727 great search was made after the patent of the late Colony of Plymouth, which was studiously sought after in the years 1733 and and 1739. And again in 1741 at Plymouth, Ipswich and Cambridge; at length Perez Bradford Esq. was desired to enquire and with much difficulty he procured it, having been designedly concealed. Sworn before Edw[d] Winslow and W[m] Stoddard, Justices of the Peace. (4 f.)

1753 Febr. 15.

Deposition of Francis Pircy, resident on Swan Island in Kennebeck River, deposing that the said river was always called by the name of Kennebeck River from Swan Island to the sea, &c.

Deposed before William Stoddard and Dan[l] Henchman, Justices of the Peace. (3 f.)

1753 Apr. 30.

Deposition of Thomas Pearcey of George Town (at 64) formerly resident on Swan Island, testifying that the river beareth the name of Kennebeck from Hunnywells point many leagues upwards into the wilderness, and that he never heard it called by any other name until since the time when M[r] Sam[l] Goodwin went upon the survey in the service of the Plymouth Company, viz about three years ago. Sworn and declared before Sam[l] Wells and John Hill, Justices of the Peace. (1753 May 1[st].) (4 f.)

1753 May 12.

Deposition of John North, that he measured the Kennebeck River about 20 miles above Cobbasconte, finishing his survey 27 Apr. 1753, and that he saw no Falls for that distance, &c.

Attestation of John Rand jun[r], Will Jones and Sam[l] Marson, three persons employed as assistants in the said survey.

Affidavit that the three persons above mentioned appeared and swore to the truth of the above attestation. Signed by two Justices, Sam[l] Denny and Sam[l] Moody. (3 f.)

1752 Oct. 20.

Deposition of Joseph Beane, Resident at S[t] Georges Fort (at 76), stating that about 1692 he was taken captive by the Indians, remaining with them some years and learning their language, during which time he travelled with them in Amrescoging and Kenebeck river, remembers the said river from the mouth to Norigwalk and a place called Nahumkeeg brook and falls on the East side of the said River, about seven miles above Swan Island, also a place or river called Cobbaseconte, about ten or twelve miles above Swan Island, &c. Testifies further that Kennebeck river is so called to the sea or ocean. Unterstands the Indian language well, the mouth of Kennebeck river called by the Indians Sunkadarock and by the English Sagadahock, viz. the mouth of Kennebeck. Sworn Oct. 21 1752, before Jacob Wendell and Jabez Bradbury, Justices of the Peace. (5 f.)

Deposition of Joseph Bean, resident of S^{t} George's, (at 76) touching his knowledge of a small rivulet on the west side of Kenebeck river, called Cobbaseconte, which runs into the said river about fourteen or fifteen miles from the sea. That Nehunekee and Negunckike are two distinct places, about twenty miles distant from each other.

Declared before Jacob Wendell and Jabez Bradbury, two Justices of the peace.

A note states that

This deposition was taken *by opposite party* to the Plymouth Patent (4 f.)

1753 Febr. 15. Boston.

Deposition of Edward King, (Surveyor) of Boston (at 47) stating that in the year 1728 he went down into the eastern parts of this province (Massachusetts Bay) where he remained until 1752, being chainman to M^{r} Phineas Jones in his survey of Kenebeck, which survey was in the year 1731, and that he never understood Kenebeck River to be called by any other name from its mouth to where it empties itself into the sea.

Sworn before W^{m} Stoddard and Dan^{l} Henchman, Justices of the peace. (3 f.)

1752 Oct. 17. Boston.

Attestation, signed Edward Winslow, J. P., that Thomas Marshall appeared this day and was sworn, being chosen clerk to the proprietors of a Tract of land, extending fifteen miles in breadth on each side of Kenebeck river, extending in length from the utmost limits of Cobbaseconte to the western ocean, which was purchased A^{o} 1661 from the late Colony of N. Plymouth, by Antipas Boyes and Comp^{y}. (2 f.)

1753 June 16.

Certificate, signed W^{m} Winter, Not. Pub., that Edward Winslow Esq. was on the 17th of Oct^{r} 1752 duly admitted as a justice of the Peace for the County of Suffolk (N. E.) (2 f.)

1752 Aug. 31.

A petition for a meeting of the proprietors of a tract of land on both sides the Kenebeck river, addressed to Samuel Danforth Esq^{r}. one of the Justices of the Peace for the Co. of York, praying that he would grant a warrant for calling a proprietors' meeting to consider of and if they

think proper to act upon certain articles, which are detailed at length in twenty-five Sections, subscribed by the undernamed:

James Bowdoin.	Joseph Winslow.	Jacob Wandell.
Edward Tyng.	Wm Bowdoin.	Cha. Apthorpe.
James Pitts.	Thom. Wolley.	Wm Brattle.
	Gersham Flagg.	Silv. Gardiner.
	Wm Taylor.	Benj. Hallowell.
	Saml Goodwin.	Thom. Hancock.
	Robert Temple.	Joshua Winslow.
		John Jones.

(20 f.)

[Attached to the above is]

A warrant, signed Saml Danforth, J. P., addressed to Mr Sam Goodwin, one of the proprietors of the tract of common and undivided land before mentioned, requiring him in his Matys name to notifiy to the several proprietors a meeting to take place at the Royal Exchange Tavern in Boston, Co. Suffolk, on Tuesday, Oct. 17. 1752, to consider of the articles above alluded to.

[Annexed is]

A Memdm, signed Saml Goodwin, Clerk, of his having given due notice according to the said warrant, which was posted up twenty days previous to the time fixed upon for the meeting. (3 f.)

1752 Oct. 17.

Duplicate copy of the Attestation, signed Edwd Winslow (vid. p. 16) touching Thomas Marshall with certificate of its being a true copy of the Record, dated Boston June 15, 1753, and signed Thos Marshall, Proprietors Clerk. (1 f.)

1753.

Meeting of the proprietors of the Tract of land lying fifteen miles on either side of Kenebeck river, Boston, June 6th, 1753, whereat it was unanimously voted, that Florentius Vassall be fully empowered to transact all affairs for them in Great Britain, to prefer any petitions or commence any suit in Council, &c. &c., with certificate of its being a true copy of the Record. (2 f.)

The supplement grant from the Council of Plymouth to John Beauchamp of London, merchant, and Thomas Leverett of Boston in the County of Lincoln, gentleman, of lands lying between a place called Musconguss towards the S. or S. W., and a straight line extending from

thence directly ten leagues up into the main land towards the sea called the South Sea, and the space of ten leagues on the N. and N. E. of a river in N. England, called Penobscott, &c. &c. (4 f.)

1664 Mar. 12.

Extract of a patent, granted by K. Chas 2nd to James Duke of York, viz. All that portion of the main land of New England, beginning at a place called St. Croix, adjoining New Scotland, and from thence extending along the sea coast to a place, called Petuaquine or Pemmaquid, and so up the river to the furthest head of the same as it tendeth Northward, and extending from thence to the River of Kennebequi and so upwards, &c. &c. (2 f.)

An extract of the Butts and bounds of Sr Ferdinando Gorges Patent, Viz.

At the entrance of Picataqua Harbour and so to pass up the same into the River Newitchwannock and thro' the same into the furthest head thereof, and from thence northwestward till one hundred and twenty miles be finished, and from Piscataqua Harbour mouth aforesaid north eastward *along the sea coast to Sagadahock and up the river thereof to Kynybequc river and thro the same into the head thereof* and unto the land northwestward until 120 miles be ended, being accompted from the mouth of Sagadahock and from the period of 120 miles before reckoned up into the land from Piscataqua Harbour thro Newitchwannock river.

Indenture, granting to Robert Alsworth and Giles Elbridge in consideration of their transporting divers persons at their own charges into N. England, 100 acres of land for every person so transported, and over and above the said 100 acres the proportion of 12000 acres more to be laid out near the river, called Pemaquid, adjoining to the place where the people of the said Alsworth and Elbridge are now settled, to be chosen together and not straggling *both along the sea coast* as the coast lieth and so up the river, &c. &. (9 f.)

1653 Sept. 10.

Certificate by Essemenosque (an Indian) an inhabitant in Kenebeck river, touching the sale of certain lands therein to Mr William Bradford of Plymouth and his associates, signed

ESSEMENOSQUE. his mark.

Witnessed by

William Harttopp, John Winslowe and John Sprague,

with attestation that on the 29th of June 1672, Mr John Winslow ap-

peared and made oath to the truth of the above before John Leverett, Deputy Gov^{r}.

Another Attestation, signed Constant Southworth, Assistant, to the effect, that on this 10 Sept. 1670 John Sprague made oath to his signature as attesting witness. (4 f.)

1648 Aug. 8.

Indian Sale of lands (by J. Monquine alias Natahanada) on both sides of Kenebeck river from Cusenocke to Wesserrunskeck unto William Bradford, Edward Winslow, Thomas Prence, Thomas Willett and William Pady, in consideration of two hogsheads of provisions, one of bread and one of peas, two coats of cloth, two gallons of wine and a bottle of strong waters.

MONQUINE alias NATAHANADA.
[his mark.]

In the presence of
THOMAS SOUTHWORTH
and GEORGE WATSON,

also

Consent of Agodoademago (his mark) and Tassuck (his mark), brother of Matahanada, to the above sale in the presence of John Winslow, George Watson and W^{m} Hartopp,

also

Declaration of John Winslow and George Watson, that they were present when payment was made at Kenebeck to Monquine, &c. &c. Sworn 1672 June 29, before John Leverett with other certificates. (4 f.)

1665 July 8.

Confirmation of the sale of lands (upon both sides of Kennebeck river) to William Bradford and others by the Indian Baggadussett, who laid claim to the said lands. Signed Baggadusett (his mark) in the presence of Josias Winslow, Alex. Browne and Froglis Bonvil, with marks of other Indians attesting. (4 f.)

1753 June 15.

Deposition of Samuel Goodwin of Charlestown, Co. Middlesex, in the employ of the proprietors of the tract of land, purchased of New Plymouth by Antipas Boyes and Comp^{y}. Stating that while engaged in settling a town on the east side of Kennebeck River a little above Richmond Fort, he had some conversation with the Indians who declared,

they would not suffer any more settlements to be made higher up the said River than were already made, and that the French had told them not to let the English settle any further up the river, &c. &c. (7 f.)

1753 Apr. 14.

Deposition of John North, resident at Pemaquid Fort, testifying to the site of Nehumkeeg falls, viz. that it is about seven miles above the head of Swan island and Richmond Fort and the east side of Kennebeck river, with attestation to the truth of the declaration, &c.

(5 f.)

1753 Jan^{r} 31.

A printed pamphlet thus headed, Remarks on the plan and extracts of deeds, lately published by the proprietors of the township of Brunswick (as they term themselves) agreable to their vote of January 4th 1753, (8 pages.)

A Conspectus or clear view of the laws in any way affecting the titles and conveyances to lands in the eastern part of the province, which have occasioned Controversies and disputes being claimed, by virtue of ancient grants from the native Indians.

(printed 4 pages.)

1753 Mar. 28.

A pamphlet, entitled: An answer to the remarks of the Plymouth Comp^{y} or (as they call themselves) the Proprietors of the Kennebeck purchase from the late Colony of New Plymouth, published by the virtue of their Vote of 31st of January last, on the plan and extracts of deeds, published by the proprietors of the township of Brunswick, &c. (33 pages.)

1753 Sept. 5.

Printed pamphlet, entitled A Defence of the remarks of the Plymouth Company on the plan and Extracts of deeds published by the proprietors (as they term themselves) of the township of Brunswick. (50 pages.)

N. B. The foregoing printed pamphlets are underlined with a pen in many parts.

[1755]

Draft case of the Kennebeck Company.

Fair copy of the same, endorsed thus

["*Dr^t case of the Kennebeck Co.*

1755, *Aug.* 27. *Fair copy, made with a plan drawn out to annex-- altered.*"]

N. B. Both the draft and the fair copy, contain a great many erasures, alterations and interlineations.

1755 Sept. 20.

A paper dated and signed "W. Murray", touching the Kennebeck grant. Also opinion with regard to appeals to the Crown. (8 f.)

[probably belonging to the foregoing.]

1755 Sept. 8.

Case of the Kennebeck Company. Transcribed fair for the Attorney Gen^ls opinion with a fee of five Guineas (with erasures and marginal annotations.) A memorandum in dorso mentions, that on 15 Sept. it was laid before him again with two additional queries and a fee of two guineas.

1755 Sept. 8.

Case of the Kennebeck Company. Another fair copy for M^r Attorney Gen^ls opinion on additional queries.

Appeal case, to be heard before the R^t Hon^ble the Lords of the Committee of Council at the Council Chamber, Cockpit, Whitehall. Thomas Dudley, Appell^t, Sam^l Scarborough and wife and others respond^ts. Gives an abstract of the will of Joseph Dudley of Roxbury in Massachusetts Bay, Esq^r. &c. (ab^t 28 f.)

1753 June 13. Boston.

Certificate (under seal) signed Spencer Phips, Lieut^t Governor and Commander in chief of the province of Massachusetts Bay, that Josiah Cotton Esq. is Register for the County of Plymouth, and that M^r Thomas Clarke is Deputy secretary of the province of Massachusetts Bay (3 f.)

1751

A printed pamphlet, having for the title A Patent for Plymouth in New England, to which is annexed Extracts from the Records of that colony, &c. (20 pages.)

[with marginal Ms. notes and emendations.]

A similar printed paper to that specified at p. 36, but with the addition of some MS. alterations. (4 pages.)

[1646]

Copy of the surrender of William Bradford, of his right and title &c., together with the letters patents in public Court to Nathaniel Souther, especially authorized by the whole Court to receive the same. (14 f.)

1660 Oct. 27.

Copy of Deed of indenture between the general Court for the jurisdiction of Plymouth, N. England, and Antipas Boyes and others.

At foot is

Another short document respecting the sale of Kennebeck. (22 f.)

[These are transcribed from the ancient records of Plymouth Colony and attested as examined with the originals by Josiah Cotton, Regr.]

1752 Dec. 14.

Copy of petition, bearing 440 signatures, addressed to the Hon^ble Spencer Phips, Lieut-governor &c. &c., shewing that the inhabitants of the tract of land on both sides of Kennebeck river had the privilege of holding a court within that district &c., that of later times the courts of justice held in and for the Co. of York have exercised jurisdiction not only over petitioners tract aforesaid, but over all lands lying to the eastward thereof, &c., pray that petitioners' tract may be made a distinct and separate County with the usual privileges, &c. (22 f.)

1766–69

A List of the Gentlemen of the Council of Massachusetts Bay, who have been turned out of the Council since the Repeal of the Stamp Act. (2 f.)

1764–68

Brief Extracts of letters from Govr Bernard. (5 f.)

1766–69

Extracts of letters from secretaries of State to Governor Bernard.

Extracts from the Journals of the House of Representatives of Massachusetts Bay. 1761–64.

NEW ENGLAND ENTRY BOOK No. 33.

Memorandum concerning the province of Main.

Province of Main.

The King by his letters Patents constitutes a Corporation by the name of the Massachusetts Bay with the grant of a Tract of Land in N. England, whereof the boundaries are specified.

On pretence of w^ch^ boundaries that Corporation some years past possessed themselves of two other neighbouring provinces belonging to their respective proprietors.

W^ch^ proprietors having lately appealed to his Ma^ty^ in Councill for relief had judgment given them by his Ma^ty^ for the restitution of their proprieties.

In the mean time that Corporation bargains with one of the proprietors for his province and twelve hundred pounds, possessed themselves by deeds in the name of certain merchants of New England, and have since that time exercised a jurisdiction in the province of Main and laid Taxes in the name of ^ye^ Proprietor.

In the mean time the Corporation is dissolved by judgment upon a scire facias.

Q^re^, whether the province of Main do not likewise devolve to his Ma^ty^.

The opinion of M^R^ Attorney thereon.

Upon consideration of this case I conceive the trust of the Govern^mt^ of the province of Main, w^ch^ was in the Corporation is devolved to the King, and as to the trust of the propriety of any lands there not sold to private proprietors, I conceive the same will be attendant upon such government his Ma^ty^ shall appoint there towards defraying the charge thereof, it being a trust for a corporation for the government of that place.

R. Sawyer.

Received 17 November, 1684.

MEMORAND. That on the petition of Richard Wharton for a grant of lands in the Province of Main the following order of Councill was made.

At the Court at Whitehall
this 20th day of March, 1684.

By the King's most excellent Maty and the Lords of his Matys most honoble privy Councill.

RICHD WHARTON CONCERNING THE PROVINCE OF MAIN, REFERRED BY ORDER OF COUNCILL.

Upon reading this day at the Board the petition of Richard Wharton of Boston, in N. England, praying his Maty to take into his Royal protection and Governmt divers lands, islands and other places within his Matys province of Main in N. England (heretofore purchased by him from sundry of his Matys subjects and from the ancient Indian Proprietors) under such quit rents and acknowledgmts and name to the place (being of great extent and profit for the cod and other advantageous Fisherys) as his Maty should think fit, with confirmation of the said lands and such immunities and priviledges as may encourage the Petr and his friends to lay out their estates in the designed improvemts thereof. His Maty pleased to order that this petition (a copy whereof is hereunto annexed) be and it is hereby referred to the Rt Honoble the Lords of the Committee for Trade and plantatns to take the same into consideration and to report to his Maty at this Board what their Lops think fit for his Maty to do thereupon and then his Maty will declare his further pleasure.

Md 5th May 1685.

MR WHARTON.

Upon consideration whereof their Lops think fitt, that Mr Wharton may have any advantages he shall desire provided others being his Matys subjects, may injoy ye same and receive no prejudice by his graunt.

NEW HAMPSHIRE.

1700 Apr. 11. Boston.

Memorial of Col. Wolfgang W. Romer, his Maty^s chief Engineer in America, touching the five rivers. Addressed to the Earl of Bellemont. Capt^n Gen^l and Governor in chief of his Maty^s provinces of Massachusetts Bay, N. York and N. Hampshire.

KENNEBECK RIVER.

This river is a fine one and convenient for great ships when they are once got two leagues within the islands that are before its mouth, which islands lie to y^e maine sea, they are then safe from all danger, and afterward the river is navigable for great ships up as far as Newtown, and tho' it be navigable higher up yet this is somewhat hazardous by reason of the little island and rocks which lye in the middle of the river whose rapid course makes it stil more hazardous for ships.

As to the soil that of Rowsick Island on w^ch Newtown formerly stood is very good, and so is the land that lies towards the west and southwest along the s^d river. There are also several excellent meadows thereabout. Your Lord^p will see in the Chart the course and depth of the s^d river.

There was never any other fortification but that at Newtown, which was a small square Fort palisado'd. Therefore I have mark'd on the Chart the places which ought to be fortified, not only for the defence of the mouths of the river, but also for that of the river itselfe within the country, and this last I hold very necessary, because the savages have two Forts at the head of the river which are cal'd Naridgwack and Comewquantick. They have two Jesuits in each Fort which do great hurt to the Kings interest and that of the publick, because they instil into those people an aversion and hatred for his Maty and his subjects. Before the war there was a palisado'd Fort on Damarascove island for defence of the Fishermen and a litle higher there was another place, called Capenewagin, where the people cured their Fish and two harbours where they secured their vessels from storms, and tho' those harbours lie open to the sea yet in case of necessity they serve the turn, when the fishermen cannot get into Kennebeck river.

DEFENCE

OF

SIR FERDINANDO GORGES

AGAINST A CHARGE

OF

HAVING BETRAYED THE EARL OF ESSEX,

WRITTEN BY HIMSELF.

From a MS. in the British Museum.

With a letter from JOHN BRUCE, Esq., Treasurer of the Society of Antiquaries, London, to JOHN PAYNE COLLIER, Esq., Vice President of the same Society, communicating the MS. for publication in the Archaeologia, Vol. XXXIII

DEFENCE

OF

SIR FERDINANDO GORGES.

5, Upper Gloucester Street, Dorset Square,
18th December 1849.

My dear Mr. Vice-President,

Among the many striking incidents which occurred during the trial of Robert Earl of Essex in 1601, none seem to have more strongly attracted the attention of the people than those which relate to the evidence and conduct of Sir Ferdinando Gorges. The testimony of Sir Ferdinando excited the impetuous Earl much more than the ungenerous selfishness of Bacon, and almost as much as the vituperation of Sir Edward Coke, or the sudden interference of Sir Robert Cecil. When I first heard, Mr. Vice-President, that you were engaged upon a life of the Earl of Essex, you may remember that I mentioned to you, that there existed in the Cotton Collection of MSS. a paper written by Sir Ferdinando, purporting to be his defence against the popular clamour raised against him for his conduct towards the Earl. I should have preferred that you should yourself have been the first to print this paper in your forthcoming work; but, upon your assurance that it will be more agreeable to you that I should communicate it to the Society of Antiquaries, I now send you a transcript of it, and will thank you to lay it before the Society. I shall accompany it with a comparatively brief comment, in the hope that the whole subject will shortly be fully treated by yourself.

It is now many years since I first became acquainted with this MS. I am not aware that it has been used by historical writers, nor indeed that it has been noticed by any one, save by Mr. Cayley in his life of Sir Walter Raleigh, and by that diligent and accurate searcher into historical antiquities, Mr. Jardine, in the first volume of his excellent collection of Criminal Trials. Mr. Cayley extracted one paragraph from it; and Mr. Jardine described it as being a spirited and wellwritten defence, but without giving any extracts or any further particulars of

its contents. It seems to me that it well merits all that Mr. Jardine has said in its commendation, and fully deserves to be added to the many invaluable historical documents which have been printed, from time to time, in the Archæologia.

The evidence of Sir Ferdinando Gorges consisted of two examinations, or confessions, dated the 16th and 18th February, 1600–1. The originals still exist in the State Paper Office. They can only be read, with any accuracy, in Mr. Jardine's account of the Trial of the Earl of Essex. All the other narratives are so imperfect, and one of them—that by Bacon—(I fear it must be decidedly stated) is so shamefully garbled, that no reliance can be placed upon any of them.

Sir Ferdinando's first examination sets forth that, being absent from London, no doubt at Plymouth, of which place he was the queen's governor, the Earl of Essex wrote him a letter full of complaint of his usage by the court, and desired him to repair to town by the 2nd of February. He came up accordingly, and reached London on that day. He waited upon the Earl that same night, and saw him, privately, two or three times in the course of the week following. He details several discussions which took place in the course of the night of Saturday the 7th February, after the Earl had determined to resort to arms, respecting the course which ought to be adopted. He also states various circumstances of no very great moment, respecting the proceedings of the 8th—"the rebellion *unius diei*," as it was termed in scorn by Queen Elizabeth.

Sir Ferdinando's second examination relates to an entirely new subject, and one of fatal import to the Earl of Essex. In it, Sir Ferdinando states that he was present, on the request of the Earl, at a meeting of the Earl's friends held on the Tuesday before the insurrection. At that meeting the persons assembled—the conspirators as they may be justly termed—were encouraged by the production of a list of one hundred and twenty "Earls, Barons, Knights, and Gentlemen," whom the Earl reckoned upon as his friends. Three projects were submitted to the meeting for their decision. 1st. Should they begin by attempting the Tower, or the Court? Or, 2nd. Should they first rouse the City? Or, 3d. Should they make a simultaneous attack upon both the Tower and the Court? After considerable discussion the general opinion seemed to incline towards making their first attempt upon the Court, and Sir John Davis proceeded to assign the places of the several leaders. Sir Ferdinando's examination continues as follows, in a passage altogether omitted by Bacon. "Having proceeded thus far, I was asked what I

thought of it; my answer was, I utterly disliked that course, for besides the horror of it wherewith I found myself afflicted, I saw an impossibility for that means to accomplish it. The means they did urge to be sufficient, for, as they seemed to assure themselves, the greatest resistance that was likely to be made was by the guard; and of many of them there was no doubt to be had, for they had been my Lord's servants. Notwithstanding, I would not condescend to that course; whereupon my Lord of Southampton, in a kind of passion, demanded this, 'Shall we resolve upon nothing, then? It is three months or more since we first undertook this.' My reply was, 'It was more than I knew.' I was demanded what I could then advise that my Lord should do? 'If there be a necessity,' I answered, 'that he must do something, let him stir his friends in the City, of whom you say he is so well assured.' This was so evil-liked of, that we brake up, and resolved of nothing, but referred all to my Lord of Essex himself. After this I never saw my Lord, nor heard anything from him, until Saturday night; when he resolved the next day to put in practice the moving of his friends in the City, upon the occasion aforesaid; and of my opinion was Mr. Littleton."[a]

This portentous testimony seems to have stung the Earl of Essex to the quick. He saw instantly its deadly bearing, and set himself to counteract the effect which it was calculated to produce upon the peers. Up to this moment the evidence had been given, not *vivâ voce*, but, according to the common practice of that time, by reading written examinations of the witnesses. The Earl challenged the production of Sir Ferdinando "face to face." Sir Ferdinando was sent for, and the Court waited for his appearance. He arrived in custody, and was brought into Court. The Earl met the glance of his late confederate with features, as Camden remarks, pale and discomposed. The haughtiness with which he had outfaced and outwrangled Sir Edward Coke altogether disappeared, and with obvious sorrow, as well as anger, he proceeded, not to deny the main facts alleged in the evidence of Sir Ferdinando—that he never did—but to insinuate doubts as to his honesty. "Good Sir Ferdinando," remarked Essex, "I pray thee speak openly whatsoever thou dost remember; with all my heart I desire thee to speak freely; I see thou desirest to live, and if it please her Majesty to be merciful unto you I shall be glad, and will pray for it; yet, I pray thee, speak like a man." Sir Ferdinando referred to his examination as containing all that he could remember: "Further," he added, „I

a Jardine, pp. 333, 334.

cannot say." Essex rejoined, "Sir Ferdinando, I wish you might speak anything that might do yourself good; but remember your reputation, and that you are a gentleman. I pray you answer me: "Did you advise me to leave my enterprize?"

Sir Ferdinando answered, "My Lord, I think I did."

"Nay," said Essex, instantly taking advantage of the slip, "It is no time to answer now upon thinking; these are not things to be forgotten. Did you indeed so counsel me?"

One can enter into the feeling of anxiety with which the reply was waited for. Sir Ferdinando seems to have shrunk before the supercilious and indignant bearing of the Earl, but his answer was decided, "I did."

Turning from the fatal witness to the peers, Essex exclaimed, "My Lords, look upon Sir Ferdinando, and see if he looks like himself. All the world shall see, by my death and his life, whose testimony is the truest."

A few words passed between the Earl of Southampton and Gorges, and then, it is stated in the account of the trial, "Sir F. Gorges withdrew;" it was under the imputation, and with the general belief, that he had sold himself to the enemies of his patron and political chief, and had secured his own safety by straining his testimony against the impetuous but high-minded Earl.

This was only one of the popular charges against Sir Ferdinando. It will be remembered that when rumours came to the court, on the morning of Sunday the 8th February, that Essex was gathering his adherents and fortifying his house, the Lord Keeper Egerton, the Lord Chief Justice Popham, Sir William Knollys, and the Earl of Worcester were sent to the Earl to demand an explanation of his intentions, and to charge him on his allegiance to disband his followers. After some delay the noble messengers were admitted at the wicket-gate of Essex House, but they were admitted alone, all their servants being kept out. In the courtyard they found themselves in the midst of a tumultuous assembly, which greeted them with threats and exclamations of "Kill them! Kill them!" Essex interfered. He silenced the ferocious clamours of his desperate band, but let the dignified ambassadors within doors, and there made them his prisoners. They were committed to the custody of a party of musketeers, commanded by three gentlemen, of whom one was Francis Tresham, afterwards concerned in the Gunpowder Plot. Essex then immediately sallied forth to make his attempt to rouse the city. As soon as it became clear that he should fail, his mind

reverted to his noble prisoners in Essex House. Hemmed in on every side, it seemed scarcely possible for any one to get out of the city to communicate with them, but Essex directed Sir Ferdinando Gorges to make the attempt, and, if he succeeded, to release the Lord Chief Justice, and request him to accompany Gorges to her Majesty and inform her what was really the Earl's design. Gorges accomplished his errand; but, when he proposed the intended mission to the Lord Chief Justice, the stout legal functionary boldly refused to accept his liberty, unless his fellow-prisoner the Lord Keeper, was also permitted to depart. Gorges declared that he thought the Earl's design would be best accomplished by releasing all the prisoners, and he accordingly did so. Essex's friends were of opinion that Gorges did wrong, and suspected that he overstepped his commission in order to ground a claim for mercy to himself. They argued that these prisoners were hostages in the Earl's hands; that so long as he had them in his custody he had the power of making terms for himself; when they were gone, the Earl was at the mercy of his enemies. This was a second charge against Gorges.

A third charge against him arose out of a meeting between himself and Sir Walter Raleigh. Raleigh was one of the earliest to hear of the Earl's wild intentions. Sir Ferdinando was his relation. Raleigh sent to him, early on the morning of the insurrection, to come in all haste to Durham House, to speak with him. Gorges communicated the message to the Earl, who consented that he should go, but directed him to hold his interview, not in Durham House, but on the Thames. He did so, and the following is Gorges's account of what took place. "As for the conference that past between Sir Walter Raleigh and myself, it was only this. I protest to the Almighty God! When his boat came to me (he being all alone, and I having with me two gentlemen) he told me that he had sent for me to admonish me to make all haste out of the town, down to my charge, for that there was a warrant out for the sending me to the Fleet. For his kind advertisement I gave him thanks, but told him withall (for that I knew the present occasion would presently discover itself) that it came too late, for I had engaged myself in another matter. He further inquiring of me what it was, I told him there were two thousand gentlemen that had resolved that day to live or die free men. He pronounced unto me that he heard not of it until that morning, but did not see what they were able to do against the Queen's authority. My answer was, it was the abusing of that by him and others that made so many honest men resolve to seek a reformation thereof. His reply was, that no man was without a colour for

their intent, and therefore advised me to look unto myself and to remember my duty and allegiance. I answered, I knew not any man that did not more respect his allegiance than his life, as the end would make apparent; and thus he parted to the Court and I to Essex House." The people, with whom Essex was extremely popular, suspected that at this interview Gorges contrived to communicate to "the fox", as Essex termed Sir Walter Raleigh, the particulars of the Earl's intended movements, and thus enabled the government to make timely preparation to receive him. Gorges declares that he did not leave Essex House to meet Raleigh until nine o'clock, by which time "it is well known the Queen and Lords were already advertised of the Earl's preparations, and had given order for drawing men from the villages about the city for the present defence of her Majesty's person, and resolved that certain of the Lords of the Council should go to Essex House."

The defence of Sir Ferdinando is principally directed against the three points which I have indicated. Calm, forcible and argumentative, it is written with spirit and vigour, and there is a touching pathos in the conclusion which it would be difficult to surpass. Writhing under the imputations which the Earl had cast upon him, he yet extenuates and excuses his mistake; he joins no vulgar cry nor prejudice against him; he does not seek to save himself by flattering the Earl's enemies, or traducing his memory, but declares, with a manliness which one does not like to believe to have been disjoined from honesty, that he esteemed him to be inwardly as full of worth and virtue as he was outwardly beautiful and adorned in the opinion and the eyes of the world. "Who was there," he says, "that seemed more industrious and careful to nourish virtue in all men than he? Whether he was a divine or soldier, a wise commonwealth's man or a good lawyer, to all these he endeavoured to be an excellent benefactor and faithful protector. And who was there that seemed more willingly to expose himself to all hazards and travail for his prince's or country's service than he? Who ever more willingly spent his own estate, and all that by any means he could get for the public good of his country? The daily experience that I had thereof, and the undoubted opinion of his good meaning therein, was the cause that bound me so inseparably to him. . . . . He was of the same profession that I was, and of a free and noble spirit. But I must say no more, for he is gone and I am here. I loved him alive, and cannot hate him being dead. He had some imperfections—so have all men. He had many virtues—so have few. And for those his virtues I loved him; and when Time, which is the trial of all truths,

hath run his course, it shall appear that I am wronged in the opinion of this idle age. In the meantime, I presume this that I have said is sufficient to satisfy the wise and discreet; for the rest, whatever I can do is but labour lost."

There are many circumstances connected with the position and character and subsequent life of Sir Ferdindo Gorges, which I should have thought it right to consider if I had entered fully into the question of the truth or falsehood of the charges brought against him in connection with the Earl of Essex. In your forthcoming work I am sure that all those circumstances, with probably many others which your researches at the State Paper Office have made you acquainted with, but of which I am ignorant, will be fully and fairly dwelt upon. In that confidence I comply with your wish in publishing the following paper, and, having done so, leave the subject with pleasure in your able hands; and I am,

My dear Mr. Vice-President,

Yours very truly,

JOHN BRUCE.

John Payne Collier, Esq., V.P.S.A.
&c. &c. &c.

MS. Cotton. Julius F. VI. fol. 423.

A breefe answer to certayne false, slanderous, and idle objections made agaynst S^r^ Ferd. Gorges, knighte, as if he had ben a man of purpose imployed to practize the ruine of the late Earle of Essex, playnly shewinge the untruthe and impossibility thereof. Written in the Gatehouse.

To the ho^ll^ and discreete who ar nether partiall in affection nor voyde of understandinge.

In this my discourse, I coulde have ben contented to have intreated my ho^ll^ and worthy frenndes (who have always knowne mee by many likelyhoods and probabilityes, more then in the discourse it selfe I shall speake of) to implore theyr labors to have satisfyed any reasonable man for the disprovinge of that w^ch^ is so com'only and slaunderously bruted of mee: but that I know it needelesse, in as muche as every wise and vertuouse nature, duly wayinge what is sayd w^th^ every circumstance will not* of the love they beare to vertue it selfe, seeke to approve and manifeste theyr owne wisdoms and generouse mindes by contradictinge the vanity of the worlde, or condemninge the base natures of those that be so lavish in censuring of any whome they have knowne or hearde to have alwayes helde the raputacon of an honest man, espetially at that time when his case is such that hee nether can or may make a free answer for the approbacon of his innocency therein. I am not ignorant, how the distemper of the time hath caused the idle humors of men's braynes, that are almoste in a frenzy w^th^ the mallice of theyr hartes, to disgeast it selfe into theyr untamed tongues, and now findinge a subject of whome they may freely speake, they spare not to make apparant the vildnes of theyr natures. An other kinde of creature I have heard of that will heare nothinge but w^th^ theyr eyes, see nothinge but w^th^ their eares, for what shaddow they see they will force it to be a substance, and in som cases all substance must bee but shaddowes; so heddy or senseles the common people ar, carefull only to swime w^th^ the streame, and will not bee capable of understandinge themselfes, or sensible of any other kinde of vertue in others, who (although they cannot deny the truthe, or enter into the reason for w^ch^ thinges were don, yet will

* So in the MS.; but the sense seems to require "out."

they say somethinge to ease theyr stomacks, and speake like themselves) will curse and rayle at the innocente, as if theyr concaytes were gospells, or the reports (wch they have uncertaynly receaved) oracles. But I know the holl, wise, and vertuouse, as they ar sparinge to censure evell of a well deservinge minde, so can they, and will, (I ashure my selfe,) both judge and speake the truthe, to the approvinge of my honest affection to my deceased freinde (howsoever I may seeme to acknowledge my selfe to have forgotten my duety to her Matv, for wch my offence I acknowledge my selfe to have receaved mercy and justice) To this I know som bookewise gallant may happely carpe at my labors, bycause it wantethe ether forme, eloquent wordes, wise sentences, or any other such like exceptions, wch (I confesse) may be justly taken unto it; but my hope is that the worthy and those of judgmente will looke into the matter and sence and beare wth these faultes, and also pardon these defectes of my rude and harshe manner of writinge; remembringe it is the labor but of a playne souldier, and on that is no scholler, who is desyrous only to deliver the truthe in its owne nature and kynde for the satisfyinge of his holl and privat freindes, and not the travayle of a cunninge sophiste yt will take upon him to make white black, and black white; such learninge I never affected, if I had, my leasure would never have afforded mee time to practise it.

Peruse this therfor wth patience, I pray you, and censure not of on parte untill ye have read the whole, for each doubte that my arise will be answered wth that wch doth follow; and the heavenly God open your eyes, and give yr heartes understandinge that ye may sensibly feele (wch I doubt not but you will when you have read that wch followethe) the wronges wch I have receaved by those false imputacons wherwth all I am charged; in the meane time assiste mee, I desyre you, wth your prayers to the Almighty, that he will give mee patience in this my untimely afflictions to indure unto the ende that his divine pleasure will lay upon mee, to whose æternal protection I hartely commende yu. From the Gatehouse, the 14th of June, 1601.

CAP. I.

The unlikelyhood and impossibility that I could consente to the betrayinge of my L. of Essex.

Great is the disadvantage that a man hathe, who is to justify his innocency in those thinges for wch he is condemned by the worlde, wch for the most parte is blinded in affection, or ignorant of the truthe, for whatsoever hee can say or write is read or heard wth a prejudicate

opinion, every on beleeving that a man is bounde to speake for himselfe, or to excuse his owne faultes. Notwithstandinge, sithence the truthe bearethe no shame, or needethe to be deckd w^th^ no colours but its owne, never blushinge, how disgracefully soever respected, I offer the examinacon of that w^ch^ followethe to the wise and discreete, who will (I doubt not) confesse, if I weare as able to make it appeare that I did not forget my duety to her Ma^ty^, to whome I must accknowledge it was moste due, as I am able to prove I discharged my faythfull love to my Lo. I should not need to be now behouldinge to any for my life, or indure of Essex, y^t^ miserable affliction I doe, by w^ch^ meanes I have brought my selfe and my estate to ruine, how innocent soever my harte were from intendinge any evell, or knowinge any evell to be intended or purposed to the person or authority of her Highnes.

And I hope no man did ever esteeme mee to be ether a foole or a made man; but if I had consented to the ruine of the Earle of Essex I had shewed myselfe to have ben bothe. For was there ever any that had his witts or understandinge that would enterprise such a matter and not compounde for his rewarde, or at the least be freed himselfe from all after daungers? And the world may see that nether of these I have don; and unto mee I am assured it is to apparente, for I do continually feele the heavy indignacon of her Ma^ty^ justly to lye upon mee; and besides that I have all places of commaunde and commodity taken from mee to the undoinge of my selfe and mine, my person is still detayned in prison, where how longe I shall remaine God only dothe knowe, or after what manner I shall com out, when I do, whether as a banished, a confined, or a dead man, but if otherwise, I must acknowledge it to bee more of her Ma^tyes^ gratiouse and infinite mercy then of my merit, or by mee to be expected, by reason of any promise or composition that ever I ether made, propounded, concluded, or thought on. And for matter of rewarde I am so far from expectinge any as I shall thinke myselfe infinitely happy to injoy my life and liberty, w^th^ leave only to seeke my fortune where I shall finde best meanes to make it. But if any thinge had ben voluntarily don by mee to the prejudice of the Earle, shurely this needed not to have befalen mee. If it be objected, notw^th^standinge, all this misery I suffer is but a color to blinde the worlde w^th^all, I must answer, I know my reputacon and estate doth not depende upon the vulgar or greater parte of the people, but only upon her Ma^tyes^ gratiouse favor, and the estimacon and regarde theyr Lo^pps^ have of mee, whome if I could have satisfeyed would have ben a sufficient warrante and protection to have avowed my proceedinge whatever I had done in that behalfe. And if I have no neede to make use of any such

polesy in respect of satisfyinge the worlde, muche lesse have those by whose authority I still remayne in durance. Therfor out of question it is not don for polesy nor indured of mee for pleasure, but only inflicted for a ponishmente for my offence. Agayne, let them behoulde (that this thinke) who is in possession of all that ever I had, and they shall finde that they ar the freindes and allyes of those, whome it is saide I did practise w^th^ all. And doth any man thinke so great a wronge could be offered mee, if I had so well deserved as it is sayde or imagined I did, by bringinge to lighte and ruin so daungerouse a practise, and so great an enemy, as that was beleeved the Earle woulde have ben? No, no, it standethe not w^th^ nature to endure, if I could will or chuse, therfor no reason to beleeve it.

Further, I desyre that all men should know, that I am not ignorante what it is and how unworthy an enterprise it were, for any of reputacon to accepte or undertake to be treacherouse where hee pretendethe fayth-full and unfayned love, and I will speake thus much for my owne parte nether to deceave others nor to flatter myselfe, ther was yet never any, man to whome I protested love unto that afterwardes I could possibly hate, though I cannot as an only freinde love many at once, nor yet like him that doth unjustly hate the person of * love, much lesse con-disente to the betrayinge of him, to such as were his enemyes, and to mee no assured freindes.

Lastly, in this my discourse it is to be noted, that whatsoever I did confesse or could have don was but of matter acted and consulted of from the laste of January 1601 to the 9th of February 1601; and that I had not hearde from my Lorde in 2 yeares before, till the letter hee sente for mee to com upp. Also, that hee never unfoulded any thinge to mee but his purpose and a desyre to be free and secure from the malice and powre of his private enemyes. That hee had matter sufficiente to penne them from the person and p'sence of her Ma^ty^ whensoever hee should have meanes to have a free and safe accesse to her himselfe. And I, perceavinge that hee intended to make his way by force wherw^th^ to resiste any opposition of (those he called) his enemyes, before I would joyne with him I expected and conditioned to assure me uppo his soule and salvacon hee intended no p'judice to the person of her Ma^tye^; secondly, not to take by force or unjust meanes the life of any, but to proceede in the course of his complaynte to the Queene and psecution of his enemyes accordinge to the lawe and justice of the lande.

* Probably this should be "the person I love." It is printed as it stands in the MS.

Thus much is Lopp in effecte acknowledged at the barr the day of his arraynmente; wherfor if (as it is manifest) I knew nether of his intente before the instante, nor perswaded him to any treasonable action, how could I bee imployed by any to practize upon him as it is sayd (though unprobably) I was?

The contrary will appeare when the truthe (that for a season may be sicke but yet will never dye) shall com to lighte, for I always advised him and bound him by oathes, to his allegeance, shewed him in his extremity the safest course, although hee could not lay hould on it: but if I had ben imployed to practise upon him, I might have found meanes to have ben continually at his hande, nether would I have heald him to any justifiable a course, nor ever advised him to keepe himselfe from any lawful advantage his enemyes might have agaynst him, and evermore to deale upon good groundes, and never to violate ether lawe or conscience.

Howbeit I heare that Sr Christop. Blunte hathe confessed former practises and purposes more then ever I heard of, or would have condiscended unto if I had ben accquaynted wth them; wherfor (if so it were) I was deceaved by his oathe and protestacon, and not hee by mee for any thinge I did. And I assure myselfe that when the Almighty God his will is to bringe to lighte the truthe, the worlde will confesse I have ben most unjustly and falsely belyed hy those reportes that have ben so confidently bruted of mee. In the meane time, I pray you to examine the particulars, wth my answers and yr judgmentes, and afterwardes speake accordinge to yr vertues and noblenes of your mindes in the defence of the innocent what you thinke or knowe.

CAP. II.

The cause and manner of my goinge to Sr Walter Rawly, and my conference wt him, not any wayes p'judiciall to the Earle his proceedinges.

To com to the particulars of those objections wherby it seemethe to be most manifeste I was imployed to practize agaynst the Earle. First, I will beginne wth that conference I had that Sunday morninge wth Sr Wal. Rawligh, at what time, it is sayde, I did laye open all his councells and purposes. The likelyhood and truthe of this is best to bee understoode if you consi ler the cause of my goinge unto him and the manner therof.

First, I was sent unto that morninge by S^r^ Walter Rawligh to com in all haste to Durram Howse, to speake w^th^ him, and by any meanes I was to go by water. But before I wente, I advertised my Lord of as muche, shewinge him w^th^ all the direction and manner how I was assigned to goe (w^ch^ I needed not to have don if I had purposed any treachery), who upon councell and deliberation was willinge I should goe, but directed to speake w^th^ him upon the Thames, the w^ch^ I observed, and to take w^th^ mee a guarde for the securinge of my returne, doubting least any thinge might bee purposed for the impeachinge therof.

Next is to be considered the time, w^ch^ was full nine of the clock before I went from Essex Howse, before w^ch^ it is well knowne that her Ma^ty^ and the Ll^ds^ were advertised of my Lord his preparation (though the particular of his intente was not knowne), and had given order for the drawinge in of men from the villages about the city for the present defence of her Ma^tyes^ person, and resolved that certayne of the Lordes of the Councell should go to Essex House, to assaye if, by commande or admonishmente, the presente fury could have ben appeased, or at least deferred, till better provision of offence or defence might bee made, and those LL were arrived at Essex Howse comminge by lande as soone as myselfe that come and went by water, the w^ch^ could not bee upon any resolution taken of any conference w^th^ S^r^ Walt. Raleigh, for they were departed from the Courte before hee could bee arrived there. Also, in the morninge before this ther had ben a com'aundemente given to the City, that every man should bee in a reddines both in person and armes, but notw^th^standinge to keepe w^th^in his howse, till they receaved further directions or com'aundement what to doe.

As for the conference that passed between S^r^ Walt. Rawley and myselfe, it was only this, I protest to the Almighty God. When his boate came to mee (he beinge all alone, and I havinge w^th^ mee two Gent) he toulde mee that hee had sente for mee to admonish mee to make all haste out of the Towne downe to my charge, for that there was a warrant out for the sendinge mee to the Fleete. For his kinde advertisement I gave him thankes, but tould him w^th^all (for that I knew the present occasion would presently discover itselfe) that it came to late, for I had ingaged my selfe in an other matter; hee farther inquiringe of mee what it was, I told him ther were two thousand Gentleme that had resolved that daye to live or dye free men. Hee pronounced unto mee, hee heard not of it untill that morninge, but did not see what they were able to do agaynst the Queenes authority. My answer was, it was the

the abusinge of that, by him and others, that made so many honest men resolve to seeke a reformacon therof. His replye was, that no man was w^th^out a colour for theyr intente, and therfor advised mee to looke unto my selfe, and to remember my duety and allegeance. I answered, "I knew not any man that did not more respect his allegeance then his life, as the ende would make apparent;" and thus hee parted to the Courte and I to Essex Howse.

In all this what was by mee discovered or don that became not a free spirit, or wherin did it give prejudice to my Lorde his proceedinges? If it bee demaunded of mee why I did not take S^r^ Walt. Rawley then; --First, it was not a matter I ever purposed, though many vaynely perswaded mee so to doe; secondly, I never held it an acte fittinge amongest mee to betray any that repose trust in us, and hee puttinge himselfe into my handes, w^th^ what honesty could I have avowed so barbarous a deede, unlesse hee had given mee the first occasion by violent deedes and unkinde words, for ether of the w^ch^ I was both resolved and prepared. And at my returne I delivered unto my Lorde particularly what had passed between S^r^ W. R. and my selfe, all w^ch^ he receaved w^th^ his applause and good likinge, as it is to be testifyed by those that were then present and yet alive.

CAP. III.

The delivery of the Lordes was by the Earles allowance and direction when they had no hope to make any other benefit of the'.

As concerninge my delivery of the LL. of the councell, w^ch^ if I had not don (as it is sayd) the Earle might have made what composition hee had listed, both for himselfe and others, it beinge a matter of the greatest consequence, and most likelihood of truthe, I thought it fit to give the more particular accounte of my doinge in that behalfe, shewing (w^th^all) bothe the reasons and necessity that that advise and resolution was to be followed; therby approvinge my purpose unto my Lorde and the rest to be good, and it was the only councell to be followed, and absolute hope that remayned for him, in so great an extremity.

For, when I saw that in all likelyhood and reason ther was no hope left for him to recover his owne howse, perceavinge that all the portes and passages were guarded and defended, and findinge that diverse, both nobles and others, had quited him, som of the best that remayned devisinge by what meanes to shifte for themselves, all w^ch^ I was nether

so voyde of judgment or understandinge but did well know and perceave; in consideration wherof, when wee came to the chayne at Ludgate, and saw it defended w^th^ men armed and in good order, havinge their officers and theyr heades, and seeminge no meanes that wee had sufficient to force them, I thought it best to attempte som other course, and first I made tryall, by fayre language to Sir John Lucy[a] (that had commande of the troopes w^ch^ defended that place), to give my Lorde a free passage; in the w^ch^ not prevaylinge, I returned to my Lorde, to shew him how impossible it was for him to passe that way, w^th^ the meanes he had, as also to know what other resolution or course hee woulde take; to whome havinge delivered my opinion, I gave him further to understande what I thought fit as the laste and only hope for him to depende on, remembringe him that now hee was to make benefit of the Lords that were in his howse, w^th^ all, if so it pleased him, I would attempte to go alone unto them, and w^th^ them to go to her Ma^ty^, by whose meanes and sollicitacon only ther was hope shee might be drawne to some tolerable condicons of peace.

To this my opinion I was perswaded by many reasons; as, first, I knew into a greater inconvenience hee could not fall then at the present hee was in, seeing that all hopes hee depended on had fayled him, notw^th^standinge I knew the affliction and feare that was apprehended (through the opinion that was conceaved of the greatnes of my Lordes meanes to be far more then it was) might bee no small reason to perswade an acception of submission w^th^ security rather then to hazarde a course daungerous w^th^ doubt of successe; and to bringe this to passe I made the lesse doubt, if I might my selfe have come in a place to have delivered my Lordes tale, or at the leaste so far foorthe to have possest her Ma^ty^ of the causes that moved my Lord to this his attempte, and the reasons that drewe the noblemen and gent' to joyne w^th^ him, whereby the prosequutinge of it w^th^ extremity might have ben deferrd, or the offence of the rest made more excusable; ether of these, as occasions should have offred, I purposed to have prosecuted, as afterwardes in the best fashion I coulde I did, as it is well knowne to som of the Lordes

Now I was the more confident in this my opinion, out of the observation I had made of the unwillingnes of the people's dispositions to offer any thinge agaynst my Lorde or any of his, notw^th^standinge any proclamations or com'aunde that had ben given, wherby I was out of

[a] So written in the MS. but in the margin, and also interlined, is written "Lewson." in another hand. Lewson, or Leveson, is right.

doubt if my Lord coulde (as my hope and advise was to him to do) but have kept himselfe but three houres longer in the citty (wher I was shure his dispayre could not bee so easily perceaved) to have brought ether all or the most of this that I have spoken of to passe. And of this my opinion I was not much deceaved, as heereafter you shall perceave. Heereupon, after som doubt that my Lord had made of the impossibility of my recoveringe Essex Howse, and som hope that hee sawe was to be expected, if I could get thither, by that meanes, hee gave mee directions to goe, referringe the manner of my proceedinge to my owne discretion, the time nor place not permittinge any large instructions or directions to be given; wheruppo' I departed, havinge only used the name of my Lord Cheefe Justice unto him, mindinge indeede that none shoulde have gon but him. But when I arrived at Essex Howse, and had made reporte of as muche as I thought fit to his Lor^{pp}, and had desyred hime to be goinge, hee refused it, except my Lorde Keeper might also go wth him; wherupon I, that knew ther were no delayes to bee used at that time, made replye therunto, as a matter so intended, and therfor desyred theyr Lord^{pps} more at large, in the boate, what was my Lorde his petition and desyre to obtayne from her Ma^{ty}, as also the particular reasons that moved both himselfe and the rest of the nobility to untertake that course they had begunne.

When theyr Lor^{pps} were setted in the boate, wher my Lo. of Worcester was also, I first, as breefelye as I coulde, delivered unto them what a number of people there were assembled in the behalfe of my Lo. of Essex, and the doubt what the successe heerof might bee, wth all the daunger that might insue if my Lorde were forced to make his passage over the belly of the subject, to give himselfe a free and safe accesse to the soverayne Ma^{ty}, and therfor that all industry and indeavor to prevente the on and the other was to bee used, no delayes to bee made, nor neece poyntes to bee stoode upon; that theyr Lor^{pps}, as the fathers of the kingdom, under her Highness, were now both to shew theyr wisdoms and authoretyes.

Then my next peti'con was, that her Ma^{ty} might know from my Lorde the occasion that forced him and his freindes to joyne themselves together in this loathsom extreame and last refuge of armes, notwthstandinge if my Lorde and they had ben mistaken by any false informacon, that then all matters might easily have ben pacifyed.

In the meane time, that her Ma^{ty} would be pleased for the present pacifyinge of the fury of men inraged, as also the security of her owne person and preservation of that blood the w^{ch} was like to be spilte, to

graunte a gratiouse assurance that my Lord and the rest might bee free from ecceptance of that dayes attempte, and that shee would bee pleased to graunte her gratiouse promise to heare w^th^ her owne eares both what hee was able to say in his owne justificacon and excuse of his freindes, to whose mercifull feete both hee and they desyred in all humility to throwe downe themselves, so as they might not bee persecuted by any injurious suggestions of theyr privat enemyes for what they had don that day, to prevente whose indirect dealinges they had don as they did.

All this theyr Lor^pps^ assured mee to acquaynt her Ma^ty^ w^thall, by the w^ch^ time wee were arived to the Courte; then they required mee to follow them, w^ch^ I did into the privy chamber, and theyr Lor^pps^ goinge to the Queene I sollicited what they had undertaken so effectually, as I perceaved by those that came up and downe, that ther was som reason to hope of the good successe therof, the rather for that I understand my Lorde Admirall and Mr. Secretary ware sent for to resolve on some course to be taken therin, but at this instante Mr. Secretary receaved advertisemente that my Lorde was fledd unto his howse, wheruppon it was apparent that then the Earle was at her Mat^yes^ mercy w^thout any conditions, and I was instantly com'itted to pryson, where ever since I have remayned. Thus y^u^ have seene that my delivery of the L^lds^ was upon advise and direction of my Lorde himselfe, out of the understanding and hope of good thereby to have befallen him, and it was that time when ther was no hope for him to make any other benefit of them, himselfe havinge reason to despaire the recovery of his howse, and indeede no reason to attempte the goinge thither, knowing if hee were driven out of the city his howse coulde afforde no meanes of defence, and therfor it is falsely sayde that I did it either dishonestly or treacherously, as to all men of honor or wisdom by this it may appeare.

CAP. IV.

It is manifest in all reason that if I had not d'd the L^dds^ yet they could not have ben profitable to the Earle.

But, admit the Lords had not ben delivered, what hope was ther in reason for him to have receaved any benefit by them? for ther was none of y^m^ but was much respected and beloved by him, besides two of them were neere allyed unto him in blood, and might have ben suspected for theyr to muche love unto him, espetially they havynge ben so frequent and ordinary w^th^ him in all his former trobles, as also at the

instant before this fell out; the other 2, as it was generally beleeved, were esteemed to bee partially inclyned in affection and love towardes him, in regarde of the opposition of his enemyes; and therfor as well in nature as honor hee could not admit or condiscent that they should have indured wronge for his sake; also consideringe that they came thither in peaceable manner, as messingers or mediators to intreate his desistinge from any violente course to bee intended; but, admit it had com unto that, they must have offred theyr petition unto her Ma^{ty} for theyr owne saftyes, for the obtayninge of her grace and mercy to my Lord and the reste for what had past. Doth any ma' thinke that her M^{ty} would not or did not more respect her own honor, saftey, and the publicke peace of her kingdom (all the w^{ch} seemed at that time to bee in question), then theyr Lor^{pps}? Allthough hee would have ben trobled and perplexed no doubt for them, notwthstandinge it had not ben fit, nor safe, to have spent much time in parlying about theyr freedoms, not knowinge what practises or partes were a foote, espetially seeinge diverse of her nobility ingaged, and others both of great estate and many freindes, and what roote it had taken, or into what head it was growne, could not suddenly be knowne, and therfor to prevente the greater mischeeffe the lesser was to bee chosen.

Wheras it may bee objected, the Prince in her honor would never have suffred the Lordes to perish; termes of honor in case of extremity Princes ar least ceremoniouse to observe, espetially when they remember, in all humayne actions ther is nothinge w^{ch} wth lesse perill they may not temporize and except then rebellion, in the oppression wherof ther is no greater vertue then expedicon, for that by how muche it is suffred by so much it riseth into degrees of worse, as a soare that is lingered growes in the ende a cure doubtfull; and therfor knowinge that wise providence is truely more hono^{le} then fonde ceremonyes can possibly bee profitable, in as muche as the on giveth security wth contente, the other threatning daunger wth shame, they should not have give any impedimente to her expedition, consideringe farther, that it is better to p'vente a mischiffe in time then to repent in idle complemente to late.

Besides, what knew her Ma^{ty}, upon a sudden and consideringe the probabilityes aforesayde, but that they might have ben linked in councell and confederacy wth the rest, or at least have willingly stayed there to bee a meanes, if the worse had not hapned, to have by theyr solicitacon drawne her Ma^{ty} to the pardoninge of his offence for the redeeminge of theyr lives; and why shoulde shee not bee doubtfull or suspitiouse of this, hearinge how many did applaude if not joyne them-

selves in the enterprise? Last of all, if these arguments be not sufficiente in the concaytes of any not acquaynted w^th^ the polesyes and resolucons of princes, let inquiry be made of the Lordes themselves, who had reason to know as much as others and to hope for the beste, and I assure my selfe that they will answer that they verely do beleeve that they must have dyed w^th^ the reste, before the prince would have yealded to more then was afterwardes assented unto. And, out of this theyr assurance, they have thought themselves both in honor and nature bounde to requite mee w^th^ any thinge that either was or is in theyr powres, to the savinge of my life. But, if since they have founde that so difficult a matter, w^th^ keepinge my blood from beinge taynted, how unable had they ben to have pacifyed the princes indignacon agaynst my Lorde and the rest? and it is playne that nether the respect of theyr authorityes, nor the greatness of theyr favors, can continew unto mee either my places, or procure from her Ma^ty^ any kinde of meanes, so much as to defray the charge of my imprisonmente, much lesse to mayntayne my estate or reputacon, so small is my gettinge by the on, and so great is my misery by the other; wherby it is manifest I did nothinge as a false affected freinde, but do heereby approve my meeninge to my Lorde of Essex was not evell in my delivery of the Lords, nor was it don w^th^out discretion or understandinge, as well as leave and direction, as also hope of som good therby to have ensued to his Lor^pp^; nor if they had remayned could they have ben profitable unto him, as by this that hath ben sayde may playnely appeare, therfor if it did not yealde that successe that was desyred ther was no faulte in my endeavors.

CAP. V.

The cause of my confession, and the somme therof no more then my Lord himselfe might have acknowledged w^th^out the impayringe of his cause.

Now, as concerninge my confession, the w^ch^ is the next thinge to bee spoken of, ether why it was so much or any thinge at all? I shall desyre you to consider these 3 thinges; first, if I had refused to have sayd any thinge, it might have ben beleeved that I had ben meerely obstinate; secondly, in seeminge to make a free and playne confession, it was the better to bee credetted that I dealt sincerely and truely; lastely, makinge relacon of thinges that might seeme of moment to mee, beinge in themselves wayed and considered by theyr judgmentes that were to have them in handlinge, I knew they would appear of no valewe or importe, as by the examinac'on of the particulars may ap-

peare, as also the sequell and tryall, for hee was not condemned upon any thinge in my confession but for that of Drury-house, wherof I was not the first author (as by this it doth or may most playnly appeare,) but was only to acknowledge that the wch was then alreddy by other men confessed, and if I had denyed it might have ben a just occasion for my freindes to have left mee, whose favors I healde, in hope that I of all others would deale playnely and truely in delivery of my knowledge; and therefore to make it appear I was nether obstinate, nor accquaynted wth any former matter, I seemed so freely to acknowledge those public actions of his the wch in all reason I knew could not bee concealed, but that of Drury howse I was unwillinge to call into my memory, till I sawe so good tokens that it was discovered by others, as I founde it; if I had denyed it, ther had ben no way wth mee but deathe, wherfor, beinge demanded concerninge that matter, I answered what had ben formerly discovered, never acknowledginge other then that it was a private enterprise intended only against certayne particular persons, and no other ende did I know it, had I pronounced to the eternall God, for that wch others have confest of themselves and theyr purposes, to bee otherwise then it did beare shewe of, and that themselves had publickly protested, I am no ways guilty of, for all mens oathes and protestacons to mee was of theyr love and allegeance to her Maty, and that while I did not knowe but that it had ben lawful for mee to joyne my selfe wth them, som of the wch number I so dearly loved as ther was nothinge save the daunger of my soule that I would have refused to have don or adventured for theyr sakes, as in the sequell heerof it hath appeared. And the reason why I accknowledge I had means to have taken or killed Sr Walter Rawlegh, was the better to make it appeare that ther was nether malitiouse or boucherouse course intended to him or any, and also to give him cause to acknowledge himselfe in that respecte behouldinge unto mee, whereby to take from him occa'ion to exercise his powre, wch I knewe to be great at that instante, to my ruine, for I did beleeve hee could not in reason bee so voyde of humane respect as not to requite on courtesy wth an other, as also it was no matter of treason against her Maty, but rather manifestac'on of the contrary, approvinge this intente to bee particular agaynst Sr Walt' Rawly and others.

CAP. VI.

The cause of my com'inge to avow my confession, the choyse beinge not in mee, and my Lord his speeches unto mee rather out of his misconceite then any just cause given him of me.

If it bee demaunded why I did com furthe and avowe any thinge agaynst him, I must answer, the choyce was no more in mee then in my Lord to have refused to have com to his arraynemente, nor so much neither, for hee could but dye, the w^{ch} he was assured of, and I might have som hope of life if I seemed not wilfull or obstinate. But hee denyinge somthinge that I had confessed, and I beinge at hande so neere as the Gate Howse to the Hall of Westminster, it was thought fit I should bee sent for, to approve it, although the matter itselfe w^{ch} hee did denye was nothinge; for when I came, hee demaunded whether, yea or noe, I advised him from the attempte of y^{e} Courte? wherunto when I answered I did, I desyred to have it testifyed by my Lorde of Southampton, then also at the barre. But in truthe what was either my perswasion or dissuasion to prove that hee did urge any suche thinge? Or, put the case it was a question propounded by him to his friendes, as so it was, where every on was to speake his opinion, and I differinge from others, might thinke it no enterprise for my Lorde to undertake, and theruppon might ether dislike or dissuade it, and afterwardes, beinge in question for the same, might deliver in favor of my selfe what my advise was then. This, I say, was nothing to my Lorde of any such momente, in regarde of ether what was don by him or confessed by others, that hee needed to have desyred mee to have ben brought before him.

Agayne, let it bee imagined, that, in private conference betweene my Lorde and mee, I did speake som wordes that might shew a possibility for him to accomplish his desyre if hee would attempte the Courte, upon w^{ch} privat conference, callinge it to minde, might thinke I could not confesse I had disswaded him from it, and therfor might conceave it to bee a matter imagined agaynst him rather then truly delivered by mee. As also my confession being the first and only evidence as then was read unto him, although the laste receaved. But why should I be more excepted agaynst for my cominge thither, beinge brought out of cloase prison, then those that were both neerer unto him in blood and of Ho^{le} authority, that came to justify agaynst him more then I did? w^{ch} as it was not in theyr choyse as then to do otherwise, much less was it in mine, and therefor me thinkes it is an unreasonable thinge

for any to expect an answer of mee, for my doinge as I did in that behalfe, much lesse do I deserve to bee condemned by it. By this y^u^ see, I could nether do lesse then was done, nor willingly did what I did, that might give cause of dislike or p'judice unto my Lo., wherfor I doubt not but, the p'misses considered, I cannot receave just blame for cominge in place, beinge brought thither by publick authority; and while I was there I did not aggravate any thinge agaynst him, but ether answered in my owne excuse, or to the question hee propounded, shewinge to the worlde, w^ch^ I could not conceale, both my greefe and shame to bee so unfortunately miserable, that must bee brought in publick to condemne my selfe and accuse my freinde.

Wheras it may bee objected—Q. What sayd my Lord unto him at the Barre? To the w^ch^ I answer, it were a harde taxe layde upon mee to require of mee a reason of every misconcayte or error my Lo. com'itted; but, bycause this concernethe my selfe, I am the willinger to acknowledge that hee had in som sorte just cause for his sayinge and doinge as hee did. First, for that ther had, as then, no other evydence ben read unto him, nor, happely, did hee thinke that any man else had confessed ought, wherfor resolvinge w^th^ himselfe to denye the whole, hee was of opinion that the next way was to disgrace the credit of the reporter, and to lay upon him an imputacon hee coulde, therby to disprove the likelyhood of the truthe therof. Secondly, for that hee might bee of opinion, or at leaste it mighte so seeme unto him, that I had com thither voluntarily, and that I had my life given mee to justify any thinge agaynst him, out of w^ch^ misconceate hee might enter into a rage and mallice towardes mee, and therfor out of the bitternes of his spirit hee might speake as hee did, althoughe, of the twoe, I had most cause to bee offended w^th^ him, that had for his sake both undon my selfe and mine, and in his quarrell lost all that I had, and my life, at that time, for oft I knewe, as farfoorthe in question as his.

CAP. VII.

The Councell and resoluc'on of my Lo. of Essex the Sattarday night before hee went into the citty, and the reasons that perswaded his freindes to give theyr assentes therto.

Her Ma^ty^ receaved dayly advertisemente of the concourse of people and greate resorte of Lordes and others to Essex howse, contrary (as it seemed) to her Highnes admonitions to him at the time hee was made keeper unto himselve, and doubting w^th^all what the issue therof might

bee, the rather in regarde of the eminente causes of suspition that were made apparente, considerenge the discontented natures and dispositions of diverse of those that were most frequent and ordinarily noted to be neerest him, both in councell and affection; and therfor to prevente any inconvenience that might be such a toleration insue, it was determined by her Maty that hee should bee sent for before the Lordes of the Councell, whome shee required to admonish him of the manner of his livinge, and to com'aunde him to drawe him selfe to a more retyred fashion, or otherwise shee should bee forced to take another course wth him.

Upon this resolucon Secretary Harberte was sent to Essex Howse to require the Earle to com before the Lordes of her Matyes Councell, then at Salisbury courte, who havinge delivered his message, receaved for answer from the Earle, that he desired to be excused for that time, in as much as hee was not well at ease, but the truthe was indeede that hee presentlye apprehended a doubte leaste somthinge had ben discovered of what hee had formerly practised, and this suspition was the rather confirmed in him by reason that so hee had ben informed of som of his freindes, who advertised him of as muche, to the ende to hasten him forwarde to the execution of what hee had deepely ingaged both himselfe and them, and therfor imagininge himselfe and his freindes better able to answer what they had don by armes then by lawe, he resolved ether to approve his purpose good or to dye in the defence therof.

But, upon this sudden mutacon and chaunge of resolucon, all his former councells and purposes were altered, for nowe hee had made himselfe a defendante that before was resolved to bee an assaylante; such is ye successe of those whose desyre is greater then theyr courage, or whose wordes ar not seconded in so desperate a case wth deedes. His freindes upon this beinge assembled, hee accquainted them what had past, and to make his conceaved opinion the more undoubted, hee declared the manner howe hee was assigned to com unto the Lordes, the wch was privat and by water, makinge no doubte if hee had so gon hee should have presently ben sent to the Tower; and, the better to confirme this in the concayte of the rest, hee declared farther, that hee was advertised that ther were warrantes signed for the apprehendinge of diverse others, wheruppon every man beginninge to distrust the worste, and to thinke how to p'vent as much as lay in theyr powers, it was p'sently disputable, whether it were best to attempte the courte or to move the city or to go else where, but the opinion that all was discovered gave reason that the courte was provided sufficiently for defence,

espetially ther beinge in our powers no meanes wherwthall to make p'sent attempte upon it; upon the w^{ch} consideracon and reasons that designe was given over; then it was demaunded what reason my Lo· had to be assured the citizens would take armes in his behalfe, wher-upon after many likelyhoods given, ther was no doubte of that to be made, then ther was no man but p'sently gave way to that opinion of attemptinge the puttinge them in armes, by whose helpe it had ben in his power to have don any thinge. The while this was in dispute ther came on to the dore, to whome my Lord himselfe wente, and as hee re-ported, hee was a messenger that came unto him from som of his freindes in the citty, who had sente to let his Lor^{pp} know that ther had ben a brute of som harde measure intended agaynst him, and therfor de-syred his Lor^{pp} to acquaynt them wth the truthe therof, and wthall to send to them his pleasure what they shoulde doe, for that they were reddy and most desyrous to hazard themselves in any thinge to defend him agaynst the mallice of his private enemyes. To this hee returned them many thankes, and wthall sent them worde what had past, promis-inge that they shoulde heare more from him that night or the next morninge, willinge wthall that they should stand upon theyr guarde, for so would hee, and if they heard hee was assaulted they to com unto his reskewe; if they were, then hee and his freindes would com unto them. This direct message was the thinge that made all doubt of the citizens' forwardnes to joyne wth my Lorde to bee out of question; wheruppon it was resolved, the next morninge to put in execution the resolution of goinge into the citty, such an extremity by his delayes from time to time had hee runne himselfe into, as now his laste hopes were absolutely to depende upon the giddy multitude, from the w^{ch} daunger nether coulde the importunity of his freindes perswade him, nor his owne knowledge of the doubtfull estate wherin hee stoode make him any thinge the for-warder to the executinge of that hee had begunne. For still, when it came to the issue of actinge, so many difficultyes did appeare as were sufficient to deferre it from day to day, or rather, as I suppose, it being wthhelde by a certayne fatall timerousnes, hee did let passe alwayes the opportunity, in so much as so it hapneth for the most parte, when the execution of great enterprises bee deferred, his purpose began to bee suspected. For her Ma^{ty} sendinge for him to com before her Lordes was the occasion to approve that a guilty conscience is a thousand wit-nesses, for it was his refusall to go unto them that discovered the cer·taynty of his purpose to attempte somthinge, allthough they could not conjecture what it was he intended, till the very instante of his goinge

into the citty, as since it did manifestly appeare; so far was that from knowledge the w^ch^ had 4 monethes before ben disputed on, and so neere was hee to the toppe of his desyre, if folly and fortune had not hindred it. But by what I have since hearde I am of opinion that som of his owne freindes, observinge his couldnes, did cause this fayned message to bee sente unto him, therby to sharpen his disposition, as also to take all occa'on of doubte from others whome hee founde very unwillinge to hazarde any thinge upon the people's unstable humors; and in bothe these his purposes hee was nothinge deceaved, had that ben all to have bẽn thought upon. Notw^thstandinge ther was not so much credit given unto the people, but that the conclusion and last determinacon was, that the next morninge, both my Lo. and the rest of the noble men and gentlemen should go on horsback into the Citty, and then if they had founde them backwarde on whome hee depended, so as hee might have reason to despaire in theyr aydes, they and hee together, beinge to the number of 200 horse, to have presently departed towardes any other parte or partes of the kingdom hee had pleased. But if y^u^ desire to know of mee how it came to passe that hee neglected this councell and went afterwardes on foote, I can say no more to satisfy you, but that such a passion is sudden feare as it maketh a man to runne, not whether councell directeth him, but whether theyr fortunes will leade them, not suffering them to consider of the perill, but makes them often times to refuse the safest meanes, and to neglect the thinges w^ch^ should do theyr security; yet when I demaunded of him how chance hee would go before his horses came, hee answered, that hee would not stay for them; but I suspected hee forgat to give directions for them over nighte, as hee undertooke to doe. This I hope will bee sufficient to satisfy those of wisdom and understandinge that the councell and advise hee receaved from his freindes wrought not his ruine and downefall, but rather his not followinge it; neither yet do I see how it can bee in reason so confidently beleeved that hee was betrayed by those hee reposed a trust in, except in this message promisinge ayde when ther was no suche thinge intended; wherfor I, as I expect salvation, am no wayes guilty, but did verely beleeve it to bee an undoubted truthe, or otherwise I could never have ben drawne to consente to have depended upon them, although it may bee I should not have refused to runne the fortune of the rest as I did, but more unhappy than any other, that am condemned to be false in my affection and treacherously to have betrayed my friendes; but the unlikelyhood therof by this that I have sayde, I doubt not but doth playnely appeare to all indifferent mindes or sounde judgementes.

I have declared unto you the truthe, and delivered y^u^ the reasons as neere as I can, of all that passed, wherby I assure my selfe y^u^ will rest fully satisfyed of my honest meaninge and true love to my Lorde, howsoever it is otherwise understoode; and I do not a little mervayle what it should bee that hath ben the occasion so subdenly to settle and establishe this so false and so loathsom a conjecture of mee. I thinke they that have knowne mee can witnesse (howsoever I must confesse I have offended the Almighty God, and do deserve for my sinnes agaynste his divine Ma^ty^ greater punishments then hetherunto I have endured,) yet I have not delighted my selfe in any loathsom or dishonest humor, nor so lived in the place where I have had com'aunde that I can bee justly accused to have spente my time ever as a gluttonouse drunkerde, a riotouse person, or that I could ever subject my nature to accept of bribes, or consente to extortions or unlawfull actions, nor did I ever seeme to be negligent or careles of the truste reposed in mee. If any of these thinges (I say) could have ben objected or justely approved agaynst mee, havinge so many and so great enemyes as it is knowne I have al. wayes had, ther is no doubte but I should have hearde of it longe agoe. As for my faythfull and unfayned love unto my Lorde of Essex, what better demonstracons or assurances can be giuen by any, or who is hee that in effecte did more to approve and assure the same then I have don, it being w^th^ every circumstance wisely considered and truely knowne? For what is ther more to bee looked for of a freinde then to loose all the worlde doth esteeme deereste for his love sake? And so much have I not refused to make apparente. In a word, I protest no man doth live that did more honestly and faythfully love him then I did, nor none did adventure or advise more to have saved his life then myselfe, if it had taken effecte, nether was it don ether in respecte of reward or benefit I ever had by him, for estate it is well knowne, it was never in his power to make mee; those places and authorityes I had were merely given mee by her Ma^ty^, much against his likinge, for at that time hee was an earnest suitor for S^r^ Cary Raynoldes to have had the forte of Plymouthe, and his graces of honor were bestowed on mee, as bothe before and since hee had don on diverse others nether better deservinge nor worthyer descended then myselfe; and yet, bycause y^u^ shall knowe I did not love him out of a childish affection, or a base disposition to serve my owne turne by his fortunes, I will in a worde give y^u^ a faythfull and true accounte for doinge as I did in that behalfe. First, I noted him to bee in the opinion of her Ma^ty^ of greatest esteeme, and best worthy of any subjecte. At that time houldinge myselfe bounde to reverence her affections and applaude her choyce, I was willinge to

make shewe therof by the approbacon of the use of my service to bee at his disposition and commande; and yet I must confesse I did not this absolutely before I founde in him a willingenes and desyre to imbrace it, not yet nether untill both by my freindes and my selfe I had made observation of his worthe and vertue, the wch inwardly I perswaded myselfe had ben rooted in him, that outwardly made him so bewtifull, and so adorned in the opinion and the eyes of the worlde as hee was, for, I pray you, who was ther that seemed more industrious and carefull to norish vertue in all men then hee? Whether hee was divine or souldier, a wise commonwealthes man, or a good lawyer, to all these he indeavoured to be an excellent benefector, and a faythfull protector. And who was ther that seemed more willingely to expose himselfe to all hazardes and travayle for his princes or contryes service then hee? Who ever more willingly spente his own estate, and all that by any means hee coulde get, for the publick good of his contry? The dayly experience I had therof, and the undoubted opinion of his good meaninge therin, was the cause that bounde mee so inseperably to him. But if yu say that in this hee aymed at an other ende then the love of vertue only; if so hee did hee hathe carryed his rewarde wth him; for my parte, in all my knowledge of him and private conference wth him, I can nether affirme nor lay any any suche thinge to his charge. Thus yu see I nether childishly nor basely exposed of my love to my Lorde at the first, and I have helde for an invincible maxime, that ther is no polesy to true honesty, nor love but where true vertue is, and therfor it is very unlike I should go so much agaynst my owne principall as to consent to betray my freinde, espetially for those partys who had never given mee a cause of love to do any such thinge for them, nor by reason of theyr place could I expecte the like assurance as from himselfe I had, for wee finde by com'on experience, as well as the old proverbe, that like will to like, and every man will keepe company wth such as he is himselfe; hee was of the same profession that I was, and of a free and noble spirit. But I must say no more, for hee is gon, and I am heere; I loved him alive, and cannot hate him being dead; hee had som imperfections—so have all men; he had many vertues—so have fewe; and for those his vertues I loved him; and when time, wch is the tryall of all truthes, hath runne his course, it shall appeare that I am wronged in the opinion of this idle age In the meane time, I p'sume this that I have sayde is sufficiente to satisfy the wise and discreete; for the rest, whatever I can do is but labor lost, and therfor I purpose not to troble you nor myselfe at this time any farther.

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